

Title 174 WAC

THE EVERGREEN STATE COLLEGE

Chapters	
*174-12	Equal opportunity policy and procedures-- Affirmative action programs.
174-104	Regular and special meetings of the board of trustees.
174-108	Governance and decision-making at The Evergreen State College--Public records.
174-112	Personnel rules.
174-116	Campus parking and traffic regulations.
174-124	Social contract among the members of the community of The Evergreen State Col- lege--Community code of conduct.
174-136	Use of college facilities.
174-140	State Environmental Policy Act rules.
*174-148	Equal opportunity policy and procedures-- Affirmative action program.
174-157	Food service--Alcoholic beverage banquet permits.
174-160	Admissions procedures.
174-162	Student affairs--Release of student infor- mation--Financial obligation of students.

***Reviser's note:** Chapter 174-12 [Order 174-12, filed 11/5/72] and chapter 174-148 [Order 72-10, filed 10/27/72] are both entitled "Equal Opportunity Policy and Procedures--Affirmative Action Program" and are set forth herein as filed.

Chapter 174-12 WAC

EQUAL OPPORTUNITY POLICY AND PROCEDURES—AFFIRMATIVE ACTION PROGRAMS

WAC	
174-12-010	Preface.
174-12-020	Legal bases.
174-12-030	Policy.
174-12-040	Procedure.
174-12-050	Affirmative action goals—Report.
174-12-060	Complaint of discrimination—Grievance procedure.
174-12-990	Exhibit I—Contractors' agreements.
174-12-99001	Exhibit II—Equal employment opportunity activity report.
174-12-99002	Exhibit III—The Evergreen State College minority/female employee report.

WAC 174-12-010 Preface. Although governed by an autonomous Board of Trustees, The Evergreen State College does not solely determine all its actions and processes. External state agencies exert extensive control in many important areas, including purchasing, architecture, engineering, surveying, construction, classified staff personnel, collective bargaining, legal matters, funding and budgeting.

Therefore, this policy statement speaks not only to Evergreen's people as members of an academic community and those doing business with Evergreen but also to the many state agencies in a position to influence its activities.

The college requires that its faculty, administration, staff and students comply with the equal employment policies and affirmative action program described herein. The degree to which each member of the college community supports these policies and programs will be considered in his performance evaluation. The college also expects that other agencies of state government will heed this declaration. [Order 174-12, § 174-12-010, filed 11/5/71.]

WAC 174-12-020 Legal bases. This broad policy regarding equal opportunities is intended to comply with and pass beyond the minimum requirements of the following applicable state and federal provisions:

State of Washington, chapter 49.60 RCW, which prohibits discrimination based on age, race, creed, color, sex or national origin.

State of Washington, chapter 41.06 RCW, The State Civil Service Act.

State of Washington, Governor Evans' Executive Order of September, 1966, which sets forth policy of non-discrimination in state employment and state contracts.

Federal Civil Rights Act of 1964 (Public Law 88-352) which prohibits discrimination based on sex, race, creed, color or national origin.

President Executive Order 11246 issued September 1965 prohibits discrimination and includes contracts dealing with the states where federal funds are involved, and requires the contractor to take affirmative action to insure compliance.

Presidential Executive Order 11375 issued September 1967 amending Presidential Order 11246 expressly to prohibit discrimination on account of sex. [Order 174-12, § 174-12-020, filed 11/5/71.]

WAC 174-12-030 Policy. The Evergreen State College requires that its faculty, administration, and staff, all who develop programs at the college; and all agencies, persons, vendors and other organizations who do business with the college, comply with the spirit of equal opportunity and with the letter of all applicable federal and state statutes and regulations. Compliance in this sense requires that these individuals and groups not discriminate in their personnel policies and that they take affirmative action of offering opportunities for equal employment, job promotions, soliciting of bids for goods and services, and other activities to all persons regardless of race, color, religion, sex or national origin.

The college, to the extent it can enforce this policy, expects and will determine compliance as a condition of engaging in business for or with the institution or group. The policy applies to all groups and individuals so engaged regardless of where located or the form of service performed.

Through this policy, the college seeks positive and affirmative action to help open job and program opportunities for minority groups and females, prevent discrimination against their members in recruitment and employment, and assure nondiscriminatory advancement opportunities, and promote positive consideration for contracts of goods and/or services with minority business enterprises.

To insure compliance the college will require submission of pertinent information to be analyzed related to employment policies and practices of all individuals or groups with which it does business.

The college pledges to deal fairly with those affected by this policy and to avoid harrassment or burdensome administrative detail. Judgments regarding compliance will be favorable if the individual or group does not discriminate against minority persons or females and takes positive and affirmative action toward extending opportunities for such persons. At the same time, those to whom this policy applies may expect firmness since the college expects its full and impartial implementation.

The college recognizes the necessity of close working relationships to provide equal opportunities and eliminate discrimination in all associated campus programs and earnestly solicits full cooperation and support of the public and campus community in this endeavor. [Order 174-12, § 174-12-030, filed 11/5/71.]

WAC 174-12-040 Procedure. (1) Equal Opportunity Employment Officer – The president shall designate an individual who is a full time employee of the college to serve as the college's Equal Opportunity Employment Officer. This individual shall be responsible to the president for insuring compliance with the policy as set out herein.

(2) Compliance – In order to insure compliance with the policy as stated in WAC 174-12-030, a copy of this affirmative action program will be issued to all current and new employees. In addition any individual or group with which the college does business will be made aware of this program and the expectations placed on that individual or group by the college as a requisite for continuing to do business with the college. Anyone who does not comply with this program can expect to be dealt with in a firm manner.

Any contract entered into between the college and an individual or group will include the appropriate language from state and/or federal guidelines which require non-discrimination in employment. The guidelines to be included are referenced in Exhibit I.

(3) Recruitment – Any individual within the college community who has the responsibility of employing or admitting new members to this college will be responsible for insuring that his recruitment includes affirmative efforts to recruit minorities and females. The primary individuals having responsibility for these efforts are:

(a) Director of Admissions – for recruitment of all students admitted to the college.

(b) Vice Presidents – for recruitment of exempt personnel within their respective areas of responsibility.

(c) Director of Personnel – for all classified staff employees.

In order to monitor the success of these recruitment efforts each of the individuals identified above will be responsible for compiling a recruiting report on each position filled (Exhibit II). The Director of Admissions will compile a similar report after each recruiting effort of students. This report will include total number of individuals recruited, total number of minorities and females recruited and subtotal by categories of race and sex required in Exhibit II.

Each of the offices as identified above will maintain a current and updated listing of the recruitment sources utilized.

(4) Coordination – To insure that the policies and procedures set out herein are coordinated towards attaining institutional affirmative action goals, those persons designated as responsible for employing or admitting new members to the college in WAC 174-12-030(3), (a), (b), (c) above shall meet together from time to time. To evaluate the affirmative action program and to make necessary recommendations or policy changes to keep such policies and procedures current, the college's Equal Employment Officer will, whenever he considers it appropriate, convene a Disappearing Task Force to include the responsible individuals designated in WAC 174-12-030(3), (a), (b), (c) above, members of the student body, and other members of the college community which he considers appropriate as a Task Force for this purpose. [Order 174-12, § 174-12-040, filed 11/5/71.]

Reviser's note: References in WAC 174-12-040(4) to WAC 174-12-030 probably should refer to WAC 174-12-040.

WAC 174-12-050 Affirmative action goals—Report. (1) Goals – To insure that the college's affirmative action program is continually operating towards attaining and/or maintaining a fair representation of minority and female members (employees and students) within the college community the following affirmative action goals are hereby established. These goals are to represent a minimum against which affirmative action efforts will be directed and will not represent a quota to be considered an absolute. The employment goals are also to reflect a proportionate representation in all categories and all levels of employment. The goals are as follows:

(a) Minority hiring goal – 15 percent.

(b) Female hiring goal – 30 percent.

(c) Minority student goal – 25 percent.

(d) Female student goal – 50 percent.

(2) Reports – To monitor how successful the efforts are in attaining the above goal a quarterly minority/female employee report (Exhibit III) will be published. This report will be generated based on data in the position personnel control system. A similar report will be published reflecting the minority and female representation within the student body. These reports and the recruitment reports will be analyzed on a regular basis by the Equal Employment Officer. A semi-annual

report will be published and forwarded to each budgetary unit with specific recommendations for improvement. An annual report including the present status of the program, action taken over the past year, and recommendations for future will be compiled and forwarded to the president and the Board of Trustees. [Order 174-12, § 174-12-050, filed 11/5/71.]

WAC 174-12-060 Complaint of discrimination—Grievance procedure. Any individual who feels he has been discriminated against by either the college or individual members of the college community may file a complaint. If the complainant is a member of the college staff, he should first file his complaint with his immediate supervisor. If he is a member of the student body, he should first file his complaint with his program coordinator. If it is not resolved at this level to the complainant's satisfaction within five days, he should file a written complaint with the appropriate vice president. If it is not resolved at this level to the complainant's satisfaction the complaint will be subject to the college-wide grievance procedure.

If the complainant is not a member of the Evergreen community he should file his complaint with the Equal Employment Officer. All such complaints should be in written form and it will be the responsibility of the Equal Employment Officer to attempt to resolve the complaint in accordance with the intent of this document. [Order 174-12, § 174-12-060, filed 11/5/71.]

WAC 174-12-990 Exhibit I—Contractors' agreements.

EXHIBIT I.

All contracts for goods and/or services entered into between the college and individuals or groups will include the appropriate language as required by the state department of general administration, division of architecture and engineering, or division of purchasing. These offices should be contacted for current language of guidelines.

All contracts entered into by the college where Federal Department of Housing and Urban Development funds are used will include the verbatim language as follows:

CONTRACTORS' AGREEMENTS

Sec. 202. Except in contracts exempted in accordance with section 204 of this order, all government contracting agencies shall include in every government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be

limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the

interests of the United States." [Order 174-12, Exhibit I (codified as WAC 174-12-990), filed 11/5/71.]

WAC 174-12-99001 Exhibit II—Equal employment opportunity activity report.

EXHIBIT II.

EQUAL EMPLOYMENT OPPORTUNITY ACTIVITY REPORT

BUDGETARY UNIT _____

MONTH ENDING _____

COMPILED BY _____

SOURCE CODE NUMBERS:

- 1. Off the street (walk-in)
- 2. Recall from layoff
- 3. Employment agency (Identify)
- 4. Advertising (specify)
- 5. Employee referral
- 6. Application being renewed
- 7. Other minority group referral
- 8. Other (college recruitment, etc.)

Name	Date Applied	Position for Which Applied	White	Negro	Indian	SSA	Other	Was Applicant Hired		Source of Referral	If applicant rejected note the principal reason
								Yes	No		

[Order 174-12, Exhibit II (codified as WAC 174-12-99001), filed 11/5/71.]

WAC 174-12-99002 Exhibit III—The Evergreen State College minority/female employee report.

EXHIBIT III.

THE EVERGREEN STATE COLLEGE

Minority/Female Employee Report

Budgetary Unit: Unit Head: Date

1. CONTINUING, PERMANENT EMPLOYEES (Full Time, Part Time)

Job Categories	All Employees			Minority Group Employees									
	Total	Male	Female	Male					Female				
				Amer. Indian	Negro	Orient	Spanish Surname	Other	Amer. Indian	Negro	Orient	Spanish Surname	Other
1	2	3	4	5	6	7	8	9	10	11	12	13	
Exempt													
Admin. Exempt													
Faculty													
Classified													
Professional													
Tech/Scientific													
Office/Clerical													
Maint/Craft													
Custodial/Ground													
Total													

2. TEMPORARY, NON-PERMANENT EMPLOYEES

	1	2	3	4	5	6	7	8	9	10	11	12	13
Exempt													
Admin. Exempt													
Faculty													
Classified													
Professional													
Tech/Scientific													
Office/Clerical													
Maint/Craft													
Custodial/Ground													
Total													

[Order 174-12, Exhibit III (codified as WAC 174-12-99002), filed 11/5/71.]

**Chapter 174-104 WAC
REGULAR AND SPECIAL MEETINGS OF THE
BOARD OF TRUSTEES**

the meeting shall be held on the Wednesday immediately preceding such second Thursday. [Order 72-3, § 174-104-010, filed 10/27/72.]

WAC

- 174-104-010 Regular meetings.
- 174-104-020 Special meetings.

WAC 174-104-010 Regular meetings. A regular meeting of the Board of Trustees shall be held once each month unless dispensed with by the Board of Trustees, on the campus of The Evergreen State College beginning at 10:00 AM on the second Thursday of the month, except that when such Thursday shall be a legal holiday,

WAC 174-104-020 Special meetings. The Chairman of the Board of Trustees, or any two members thereof, may call special meetings of the Board of Trustees at any time. If a governing body does not meet at a regularly scheduled time as adopted by rule or regulation, then these sessions are special meetings under the law and written notice of the time, place and purpose thereof must be provided to its members and to certain news media 24 hours in advance. [Order 72-3, § 174-104-020, filed 10/27/72.]

Chapter 174-108 WAC

GOVERNANCE AND DECISION-MAKING AT THE
EVERGREEN STATE COLLEGE—PUBLIC
RECORDS

WAC

- 174-108-010 Introduction—Guidelines to governance and decision-making.
- 174-108-020 The legal nature and status of The Evergreen State College.
- 174-108-030 Information, communications and record-keeping.
- 174-108-041 Evergreen council and DTFS.
- 174-108-051 Administrative evaluation.
- 174-108-06001 Mediation and adjudication of disputes, grievances, and appeals.
- 174-108-06003 Informal mediation procedures.
- 174-108-06005 Formal hearing procedures.
- 174-108-06007 Guidelines for the operation of the formal hearing board.
- 174-108-06009 Procedure of hearing and deliberations.
- 174-108-06011 Further grievance procedures.
- 174-108-07001 Evaluation of governance.
- 174-108-08001 Conclusion.

PUBLIC RECORDS

- 174-108-170 Definition of public record.
- 174-108-180 Description of central and field organization at The Evergreen State College.
- 174-108-190 General course and method of decision-making.
- 174-108-200 Informal procedures regarding the general course and methods of decision.
- 174-108-210 Designation of public records officers.
- 174-108-220 Availability for public inspection and copying of public records.
- 174-108-230 Requests for public records.
- 174-108-240 Charges for copying.
- 174-108-250 Determination regarding exempt records.
- 174-108-260 Review of denials for public records requests.
- 174-108-900 Form—Request for public records.
- 174-108-90001 Form—Public records request for copies.
- 174-108-90002 Form—Request for review—Public records request.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER

- 174-108-040 The information and communications center. [Order 1, § 174-108-040, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-04001 Patterns of administrative decision-making. [Order 74-3, § 174-108-040 (codified as WAC 174-108-04001), filed 6/18/74.] Repealed by Order 77-2, filed 11/14/77.
- 174-108-050 The college forum. [Order 1, § 174-108-050, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-05001 Initiative processes. [Order 74-3, § 174-108-050 (codified as WAC 174-108-05001), filed 6/18/74.] Repealed by Order 77-2, filed 11/14/77.
- 174-108-060 The college sounding board. [Order 1, § 174-108-060, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-070 Accomplishment of objectives—Patterns of administrative decision-making. [Order 1, § 174-108-070, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-080 Three major avenues for consultation and advice. [Order 1, § 174-108-080, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-090 Initiative processes. [Order 1, § 174-108-090, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-100 Adjudication of disputes, grievances, and appeals. [Order 1, § 174-108-100, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-110 All-campus hearing board. [Order 1, § 174-108-110, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.

- 174-108-120 Evaluation of governance. [Order 1, § 174-108-120, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-130 Fundamental principles of decision-making—Evaluation—Appeals. [Order 1, § 174-108-130, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.

WAC 174-108-010 Introduction—Guidelines to governance and decision-making. (1) Evergreen is an institution in process. It is also a campus community in the process of organizing itself so that it can work toward clearing away obstacles to learning. In order that both creative and routine work can be focused on education, and so the mutual and reciprocal roles of the campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required.

(2) To accomplish these ends, governance and decision-making in the Evergreen community must have the following qualities:

(a) The procedures must reflect the Evergreen approaches as stated in the college bulletin to facilitate learning, and recognize the responsibility of the president and the Board of Trustees for institutional direction.

(b) Decisions, and methods to be used for their implementation must be handled at the level of responsibility and accountability closest to those affected by a particular decision.

(c) Those persons involved in making decisions must be held accountable. "Accountable" means subject to consequences, commensurate with the seriousness of the decision as well as responsible for justifying it.

(d) Location of those responsible for the functioning of various areas of the community is identified in the college organization chart, the faculty handbook, and the Evergreen Administrative Code. Delegated duties and responsibilities should be made as explicit as possible, and information regarding the decision-making roles of various members of the Evergreen community should be made easily available. Members of the Evergreen council will also serve as information sources on these questions of locatability.

(e) Decisions must be made only after consultation and coordination with students, faculty, and staff who are both affected by and interested in the issues, except on those rare occasions in which circumstances do not allow formal consultation with those to be affected.

(f) In cases of conflict, due process procedures set forth in WAC 174-108-06001 through 174-108-06011 must be followed.

(g) Governance procedures must be flexible enough to change as the institution changes and must, therefore, provide an amendment procedure and periodic evaluation.

(h) Evergreen's system of governance must provide for the representation of and participation by all interested members of the Evergreen community.

(i) The Evergreen community should avoid fractioning into constituency groups which replace rather than augment the deliberations of bodies composed of all major constituencies.

(j) Groups should utilize a consensus approach in reaching decisions. The voting procedure should be used if consensus is unobtainable.

(k) If it is essential for standing committees or councils to exist, there must be a frequent turnover of membership, at least annually.

(l) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(m) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(n) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(o) Decision-making processes must provide equal opportunity to initiate and participate in policy-making, and Evergreen policies apply equally regardless of job description, status or role in the community. [Order 77-2, § 174-108-010, filed 11/14/77; Order 74-3, § 174-108-010, filed 6/18/74; Order 1, § 174-108-010, filed 2/22/72.]

WAC 174-108-020 The legal nature and status of The Evergreen State College. (1) The Evergreen State College, established in Thurston county by the 1967 Washington state legislature, operates under the provision of the Revised Code of Washington (chapter 28B.40 RCW).

(2) Management of the college, care, and preservation of its property, erection and construction of necessary buildings and other facilities, and authority to control collection and disbursement of funds is vested in a five-member board of trustees appointed by the governor with the consent of the senate for six-year overlapping terms. Board members serve without compensation. The state attorney general's office is constitutionally established as the legal advisor to all state agencies and institutions. This agency provides legal counsel to the board of trustees, the president, and other designated members of the campus community. Evergreen's president is chosen by and is directly responsible to the board of trustees for executive direction and supervision of all operations of the college. The president of The Evergreen State College is appointed for a six-year term, reviewable annually, which term may be renewed for an additional six years for a maximum term of twelve years. The trustees and the president in turn delegate many duties and responsibilities to others in the Evergreen community.

(3) The governance system recognizes that Evergreen is bound by two sets of rules which are not viewed as being inconsistent or incompatible with the spirit of the college. The first set of rules includes those federal, state, and local regulations which are legal in nature and are binding upon all public institutions. The second set of rules makes up the system of governance designed to

advance The Evergreen State College toward its goals and purposes. [Order 77-2, § 174-108-020, filed 11/14/77; Order 74-3, § 174-108-020, filed 6/18/74; Order 1, § 174-108-020, filed 2/22/72.]

WAC 174-108-030 Information, communications and record-keeping. (1) It is the responsibility of the decision-makers (including heads of decision-making groups and quasi decision-making groups such as DTF chairpersons and program coordinators) to assess the potential sensitivity or importance of decisions being made or under consideration. Such decision-makers are accountable if subsequent events prove any withheld information to have been vital. Decision-makers must make use of available and appropriate communication means to disseminate the information. This section does not encourage a massive dissemination of trivia, but depends upon and encourages the good will and judgment of the decision-maker to maintain an open system of information flow leading to decision-making.

(2) The Evergreen community needs to be open, self-conscious and self-correcting if it is to be both viable and innovative. Primary responsibility for documenting Evergreen's evolution lies with the president who, therefore, must see that the records of decision-making are kept.

(3) However, an efficient system of gathering historical data and Evergreen's evaluation system alone will not keep the community open and self-conscious. It is the responsibility of the Evergreen council to see that an ongoing system of information dissemination, evaluation, and correction is maintained. To this end, it ought to function as the critic of information flow and as requester of further information on specific issues. [Order 77-2, § 174-108-030, filed 11/14/77; Order 74-3, § 174-108-030, filed 6/18/74; Order 1, § 174-108-030, filed 2/22/72.]

WAC 174-108-041 Evergreen council and DTFs.

(1) The Evergreen council, which will meet at least bi-weekly, shall constitute the forum for discussion and advice on issues affecting the college.

The Evergreen council will also have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with those principles. Membership in the Evergreen community implies willingness to serve on the Evergreen council and to appear before it when requested.

(2) The membership of the Evergreen council will be constituted as follows:

(a) The president or in his/her absence an appointed presidential representative;

(b) Four exempt staff chosen by their colleagues;

(c) Five classified staff chosen by their colleagues;

(d) Five faculty chosen by their colleagues;

(e) Fifteen students chosen by the student body;

(f) At the time constituencies choose their members they will also choose alternates, at least two each by exempt staff, by classified staff and by faculty, and at least six by the students. Alternates shall be rank ordered by their constituencies.

(3) Terms on the Evergreen council shall be three quarters, staggered by quarters. Members may serve no more than two consecutive terms.

(4) All members of the Evergreen council will serve as facilitators to all members of the Evergreen community in areas of initiative petitions or proposals, help individuals locate the area of responsibility, and otherwise facilitate communication and coordination on campus.

(5) The Evergreen council will select a new moderator and a new recorder for each quarter term. These responsibilities will be rotated through the board membership. The moderator will see that the group meets on a regular schedule and will assure a free and open discussion. The recorder will be responsible for reporting the issues discussed and for providing copies of the minutes to each member of the Evergreen council and to information channels such as the information center, the campus newspaper, and the radio station.

(6) The Evergreen council will elect from its membership an executive committee of four members plus the moderator and the recorder. Each of the four major constituencies will be represented on the executive committee.

(a) The executive committee will meet weekly on a regularly scheduled basis and will be responsible for preparing the agenda for the Evergreen council. The executive committee's primary function will be to insure that the issues placed on the agenda of the Evergreen council warrant attention and that all such issues are placed on the agenda.

(b) At the beginning of each meeting of the Evergreen council, the executive committee will give a brief account of its deliberations, and the moderator will entertain a motion to accept the agenda.

(c) Members of the community wishing to bring a matter before the Evergreen council will petition verbally or in writing the executive committee for a place on the agenda.

(d) In the event that the executive committee rejects a petition, it must respond to the petitioner by issuing a note of response to the petitioner and whomever seems appropriate.

(e) Supervisors will be expected to accommodate their subordinates in discharging Evergreen council obligations, and faculty will be expected to accommodate their students' participation.

(7) The Evergreen council shall establish a quorum.

(8) Any member of the Evergreen council who misses two consecutive meetings without cause shall be dropped from the membership. The executive committee will appoint as replacement the alternate designated by the appropriate constituency. Any member who resigns will be replaced in the same manner.

(9) The Evergreen State College wishes to avoid the usual patterns of extensive standing committees and governing councils. Instead, the community uses short term groups aptly named disappearing task forces (ad hoc committees) for the purposes of gathering information, preparing position papers, proposing policy, or offering advice. The DTF should be composed of as wide a sampling of the community as possible. DTF meetings

are public and the DTF must provide advance notice of time, date and locations of meetings.

(a) All DTFs dealing with nontrivial matters will be charged in consultation with the Evergreen council. If triviality is questioned, the Evergreen council will decide. Any member of the community may charge a DTF, or the Evergreen council itself may choose to do so on its own initiative or in response to a petition. The Evergreen council will provide consultation, input and advice to assist in formulating the charge and in establishing the membership of the DTF. The petitioner or charger will ordinarily be a member of the DTF unless she/he is the appropriate decision-maker.

(b) Minutes of the DTF meetings must be kept and copies forwarded to the Evergreen council. The DTF must submit copies of their recommendations to the appropriate decision-maker, to the Evergreen council and to the petitioner or charger if he/she is not a member of the DTF.

(c) Within three weeks of receipt of DTF recommendations, the decision-maker must submit copies of his/her decision to DTF members, to the Evergreen council and to the petitioner or charger, if she/he is not a member of the DTF.

(10) The Evergreen council will take five types of action by roll call vote, three to be determined by a vote of simple majority as follows:

(a) Comment. This vote means that the council has determined to comment on the issue at hand. A vote to comment requires that the council elect a drafter of the comment to prepare a text to be voted on no later than at the next meeting.

(b) Vote of confidence. The function of this vote is to record the Evergreen council's satisfaction with the present course of events. The vote may, but need not, be accompanied by further remarks.

(c) Vote of no confidence. The contrary to a vote of confidence. Remarks may, but need not, be appended to the vote. The following types of action require two-thirds majority:

(d) Drop. A vote to drop means that the Evergreen council refuses to consider or rule on the issue. Since such a vote would leave a petitioner no recourse but the grievance procedure, a two-thirds majority is required to carry.

(e) Vote of censure. A vote of censure is made against a person, not an action, and must be accompanied by a text to be drafted by a committee of the whole. The text must clearly identify the pattern of actions which the council feels merit the censure. Disapproval of a single act no matter how strong the disapproval, does not alone warrant a vote of censure.

(11) The Evergreen council is to have an active as well as a responsive role and may on its own initiative, add to or displace items on the current agenda or may instruct its executive board to prepare an item for the next meeting. Should an item on the agenda be displaced, then that item has the same status as an item not placed on the agenda by the executive board. [Order 77-2, § 174-108-041, filed 11/14/77.]

WAC 174-108-051 Administrative evaluation. Like the student and faculty evaluation procedures, the administrative evaluation will emphasize growth in learning how to perform more effectively the roles for which the individual is responsible. The procedure will include a large element of self-evaluation and evaluation by peers, but must also include input by other members of the college community (students, staff, faculty) who experience the results of the administrative processes, as well as transcripts of such actions taken by the Evergreen council under WAC 174-108-041(10) which pertain to the person in question. Through this evaluation procedure the community can express itself constructively on the effectiveness of the administrative process and the degree to which it is being responsive to the needs and the long-term interests of that community. Without a smoothly functioning procedure encouraging evaluative contributions from a wide circle of community opinion concerning the administrative performance of the decision-makers in the college, the campus community cannot be expected to place its confidence in the system of governance elaborated here. [Order 77-2, § 174-108-051, filed 11/14/77.]

WAC 174-108-06001 Mediation and adjudication of disputes, grievances, and appeals. The grievances and appeals system at The Evergreen State College is designed to:

(1) Reflect the character and philosophies of this institution, and be responsive to the particular needs of all members of the Evergreen Community.

(2) Provide a working system which is capable of fair and speedy resolution of conflict and grievance.

(3) Provide a campus adjudicatory apparatus, the authority and thoroughness of which should permit the resolution of disputes within the college. This does not, however, operate in the place of civil authority. To this end, the governance system of this institution abides by applicable portions of the State Higher Education Administrative Procedures Act (chapter 28B.19 RCW). [Order 77-2, § 174-108-06001, filed 11/14/77; Order 76-5, § 174-108-06001, filed 9/22/76; Order 74-3, § 174-108-060 (codified as WAC 174-108-06001), filed 6/18/74.]

WAC 174-108-06003 Informal mediation procedures. (1) Members of the Evergreen community who come into conflict with one another should make a determined effort to resolve those problems peacefully and constructively between themselves before relying on the following procedures.

(2) All members of the Evergreen community should feel a heavy responsibility to make every effort to solve individual and community problems imaginatively and constructively without resorting to the mediation and hearing processes.

(3) Informal mediation shall be guaranteed all campus employees and students.

(4) The first attempt at resolution of grievance will be one-to-one mediation.

(5) When unable to work out their differences in this direct fashion, aggrieved parties will select a mutually-

agreed-upon third party to hear and to attempt to resolve the dispute. If this third party mediation is desired but one of the parties involved refuses, the campus adjudicator should be contacted for assistance. The adjudicator may appoint a mediator if the parties fail to agree upon one. ("Mediation, N., action in mediating between parties as to effect an agreement or reconciliation . . . mediation implies deliberation that results in solution that may or may not be accepted by the contending parties." Random House College Dictionary, 1969)

(6) The third party mediation process is deliberately left unstructured; this is done to give the mediator the widest possible latitude; the mediator may, at his or her option, adopt any rules or procedures deemed necessary for the orderly resolution of the dispute.

(7) The mediator shall send, within five days after conclusion of mediation, a summary statement of the nature of the conflict to the president's office, and shall send the disputants written notice that mediation has concluded. The mediator shall also outline the steps necessary to petition for formal hearing. Mediation should conclude within fifteen days after a mediator is selected. [Order 77-2, § 174-108-06003, filed 11/14/77.]

WAC 174-108-06005 Formal hearing procedures.

(1) A disputant who wishes to pursue resolution of a dispute, after third party mediation has failed to resolve it, may petition the president for a formal hearing (petition contents described below). The petition must be submitted within ten days of conclusion of informal mediation. Within five days after receiving a petition for a hearing board, the president shall forward to the chairperson of the hearing board a copy of the mediator's statement and the petition for hearing. The chairperson of the hearing board will convene the permanent members, who will review the petition and the mediator's statement, and respond in writing to the president within seven days accepting the case as submitted, or clearly stating the conditions which must be met before the request can be accepted. The president will forward the responses to the disputants. Upon acceptance by the hearing board, the president shall convene a formal hearing board, as described below. The hearing board shall operate under formal contested case procedures, described herein and in chapter 28B.19 RCW.

(2) Petition for a hearing:

(a) All requests for hearings shall contain the following:

(i) A specification of charges or issues for review and response; a formal hearing will only reply to charges or issues stated in this section.

(ii) A summary of results of the informal mediation.

(b) The petitioner shall deliver a copy of the petition to the other party or agent in the dispute at the earliest opportunity. The respondent shall be entitled to file a response to the petition filed by the petitioner.

(3) The president or his/her designee shall be responsible for randomly selecting three permanent members of the hearing board, including a student, staff member and faculty member, who will serve for not less than one academic quarter nor more than one year. These three

hearing board members shall, by a method selected by themselves, determine who shall be the chairperson.

(4) Before a formal hearing board convenes, the president or his/her designee will select, by a random process, four temporary members from the disputant peer groups, two from each.

(5) They will be included in a pool of available replacements for permanent members that resign from the board entirely. Any such replacements must be from among the peer group of the resigned member.

(6) Any of these seven members is subject to peremptory challenges by each side represented in a dispute before the hearing convenes. Each party may request the removal of two members.

(7) Disputants must show cause for additional challenges, which are unlimited, if good cause is shown. The permanent hearing board members shall judge whether good cause is shown.

(8) If a member of the board wishes to disqualify him or herself from a particular case, he or she may do so by submitting the reasons in writing to the president. Disqualification must occur as soon as possible after the board member reads the particular petition. Substitute members will be selected randomly from the appropriate peer group of the position left vacant.

(9) The first responsibility of hearing board members is to their education and work commitments. To insure that the hearing board does not become unfairly overworked, permanent members may petition the president to convene a supplemental hearing board to hear cases if the board feels it is overloaded.

(10) The three permanent hearing board members will have the obligation of reviewing all hearing board requests for their completeness. This applies to other members of any supplemental boards, also.

(11) The hearing board is a vehicle of COG and cannot hear cases which challenge this governance document. There are established procedures for amending COG. The hearing board will hear cases which involve the need for an interpretation of COG.

(12) Disputes involving personnel action of a formal nature for classified staff are governed by chapter 28B-.16 RCW and chapter 251-12 WAC. [Order 77-2, § 174-108-06005, filed 11/14/77.]

WAC 174-108-06007 Guidelines for the operation of the formal hearing board. (1) The person pressing the complaint is the petitioner. The person responding to the complaint is the respondent. The petitioner and respondent collectively are known as the disputants.

(2) Both parties in the dispute have a right to a fair hearing.

(3) The president will send disputants written notice of the nature of the grievance ten days in advance of the hearing. Additionally, the president will inform the disputants of the date, time, place of hearing and procedures to be followed. The hearing shall be scheduled within ten days after acceptance by the hearing board unless continued by the hearing board for good cause.

(4) Petitioner and respondent are responsible for reporting the names of their witnesses at least three days in advance of the hearing to the president's office and

for insuring that witnesses on their behalf appear at the hearing. Disputants will be advised by the president's office at least two days in advance of the hearing of the names of all witnesses who will appear in the hearing.

(5) When a formal hearing board proceeding is held following conclusion of informal mediation, the formal hearing shall be conducted as if the informal mediation had not commenced or taken place (RCW 28B.19.100(4)). Further, statements, testimony, and all other evidence given during informal mediation shall be confidential and shall not be subject to discovery or released to anyone, including the officer conducting a formal hearing or the parties involved, without permission of a person who divulged the information (RCW 28B.19.120(4)), and of the disputants. The summary statement of the mediator is not confidential and shall be considered a matter of public record.

(6) Abstracts of all previous decisions will be made available in the president's office for use by hearing boards, disputants, and potential disputants. Hearing boards, although not strictly bound by precedent, will consider them when rendering a decision. Potential disputants should review these abstracts, in order to expedite settlements. It is hoped that the Evergreen community will learn from hearing board decisions and institute them as part of general policy for the college.

(7) A verbatim record shall be kept of all matter presented to the hearing board.

(8) Members of the hearing board shall not discuss the case outside of the hearing, and shall base their decisions upon the record made before them by the disputants. [Order 77-2, § 174-108-06007, filed 11/14/77.]

Reviser's note: The reference in WAC 174-108-06007(5) to RCW 28B.19.100(4) probably refers to RCW 28B.19.110(4).

WAC 174-108-06009 Procedure of hearing and deliberations. (1) Meetings of the hearing board include hearings and deliberations. Hearings shall be open to the public. Deliberations will be closed unless the board unanimously agrees that they will be open. That decision may be reconsidered at any point during the deliberations. "Open meeting" means that observers not directly involved in the case may observe, but not participate in discussion.

(2) Each party in the dispute will select one spokesperson. Disputants may be represented by a designee not party to the dispute.

(3) The hearing board may wish to have both parties submit to the hearing a short and plainly written statement of the matters of positions asserted before the hearing convenes. And if so, the chairperson will notify each party ten days in advance of the hearing.

(4) The hearing board will set a reasonable time limit for presentation of opening statements, witnesses, supporting evidence, and closing arguments, and so notify the disputants in advance of the hearing. Each side may allocate this time as it sees fit. Time for cross-examination will not count against either side, but may be limited. Time required of resource persons requested by the board will likewise not count against either side, but may be limited. The board may modify the time limit if it feels the need.

(5) Petitioner will first present a brief opening statement. Respondent will next present an opening statement.

(6) Petitioner will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, respondent may cross-examine; redirect is allowed and recross-examination if necessary.

(7) Respondent will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, petitioner may cross-examine; redirect is allowed and recross-examination if necessary.

(8) Petitioner will present his/her closing arguments, then respondent will present his/her closing arguments.

(9) The chairperson of the hearing board is responsible for the smooth functioning of the hearing. The chairperson may interrupt to keep the hearing pertinent to the issues, keep hearsay evidence off the records, etc. The chairperson shall rule on procedural objections from the disputants. Any hearing board members may interrupt the proceedings to ask questions which they feel are important to their understanding of the issues or facts.

(10) The board may grant delays in the hearing proceedings for valid reasons. For example, the board may wish to allow temporary adjournment to permit a party to respond to new and unexpected material coming to light during the hearing, if allowed to be submitted by the hearing board.

(11) The hearing board, in deliberating, will only consider the merits of the case and not consequences of their decision.

(12) The hearing board, will, within ten days of the close of the hearings, provide to both parties written notice of its decision.

(13) The public shall have access to a transcript or record of the hearings and findings of the hearing board. Hearing board members may elect, upon group unanimous vote, to divulge the contents of closed deliberations verbally or in written form. 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 chairperson presiding at the hearing.

(14) 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 therefore and payment of the costs thereof. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. [Order 77-2, § 174-108-06009, filed 11/14/77.]

WAC 174-108-06011 Further grievance procedures.

(1) Appeal within the institution beyond the campus hearing board can be made by a petition to the board of trustees. Such an appeal request may only be accepted if any of the conditions listed under RCW 28B.19.150(6) apply. The decision can be challenged if it:

(a) Is in violation of any state or federal constitutional provision; or

(b) Is in excess of the statutory authority or jurisdiction of the institution; or

(c) Is made upon unlawful procedure; or

(d) Is affected by other error of law; or

(e) Is clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or

(f) Is arbitrary or capricious.

(2) If neither party appeals within ten days of issuance, the board of trustees may, within thirty days of issuance, review the decision on its own motion and affirm, modify, or reverse that decision. [Order 77-2, § 174-108-06011, filed 11/14/77.]

WAC 174-108-07001 Evaluation of governance.

Necessary and essential amending of this document is to be accomplished at any time through the initiative procedure contained herein. In addition, the president will at the end of every three years ask the Evergreen council to convene a DTF on governance which will include faculty, staff, students, Evergreen graduates and a member of the board of trustees to evaluate the Evergreen governance system. It will be the responsibility of the DTF to affirm the effectiveness of the system or to propose changes. When the DTF has completed its deliberations, it will schedule a series of open meetings inviting all members of the campus community to discuss further revision before forwarding the final document to the president. [Order 77-2, § 174-108-07001, filed 11/14/77; Order 74-3, § 174-108-070 (codified as WAC 174-108-07001), filed 6/18/74.]

WAC 174-108-08001 Conclusion. Concerned members of the campus community must continue to work together to develop informal and formal mechanisms to facilitate the promotion, support, and observance of this governance document. [Order 74-3, § 174-108-080 (codified as WAC 174-108-08001), filed 6/18/74.]

PUBLIC RECORDS

WAC 174-108-170 Definition of public record. A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by The Evergreen State College, regardless of the physical form or characteristics; provided, however, that in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record: (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(2) Personal information in files maintained for employees, appointees or elected officials or any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the

disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 73-2, § 174-108-170, filed 9/27/73.]

WAC 174-108-180 Description of central and field organization at The Evergreen State College. (1) The Evergreen State College is located on a campus in Thurston county, near the city of Olympia, Washington. This campus comprises the central headquarters for all operations of the college; any "field" activities of the college are directed and administered by personnel located on the campus in Thurston county. The college is governed by a board of trustees appointed by the governor; such board normally meets at least once every calendar month, as provided in WAC 174-104-010. The board employs a president, his assistants, members of the faculty and other employees. It establishes such divisions and units necessary to carry out the purposes of the college, provides the necessary property, facilities and equipment and promulgates such rules, regulations

and policies as are necessary to administration of the college.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic and support divisions to enable the college to discharge its obligations. Academic, library and computing matters are the concern of the vice president and provost; business, facilities, security, personnel, student services, and auxiliary services are the concern of the administrative vice president. These vice presidents report to the president of the college. [Order 73-2, § 174-108-180, filed 9/27/73.]

WAC 174-108-190 General course and method of decision-making. (1) The formal procedures for decision-making at the college are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders or directives, or regulations of the college which affect the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other, (a) the violation of which subjects the person to a penalty or administrative sanction; or

(b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

(c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law;

are implemented through the procedures of the HEAPA and appear in chapter 174 WAC, provided, however, that in accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: standards for admissions; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships, fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under HEAPA unless otherwise required by law. Internal rules and regulations are set forth in the colleges published catalogs, the Business Policies and Procedures Manual, and the Faculty Handbook. [Order 73-2, § 174-108-190, filed 9/27/73.]

WAC 174-108-200 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either: (1) Decisions made by persons authorized by board resolution, the president, or any designee to make a decision within the scope of responsibility assigned to such person; or

(2) Methods of human persuasion utilized by any member of the college's constituencies or of the public to

attempt to influence one in power to make decisions within that person's scope of responsibility. [Order 73-2, § 174-108-200, filed 9/27/73.]

WAC 174-108-210 Designation of public records officers. (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the college shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "Public Records Officer." The person holding such position will be headquartered in the Daniel J. Evans Library Building of the college; his exact location and name may be determined by inquiry at the office of the president of the college. The public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.

(3) For purposes of this chapter, the custody of the college's records shall be divided into the following divisions:

- (a) Office of the president;
- (b) Office of the vice president and provost;
- (c) Office of the administrative vice president.

The heads of the above-designated divisions shall be deemed custodian of the records in the possession or control of units and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. The three persons mentioned above shall be known as the college "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the college. [Order 73-2, § 174-108-210, filed 9/27/73.]

WAC 174-108-220 Availability for public inspection and copying of public records. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the college, acting through the public records officer or a records custodian, agree on a different time. [Order 73-2, § 174-108-220, filed 9/27/73.]

WAC 174-108-230 Requests for public records. In accordance with the Initiative 276 requirements that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of

the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures: (1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain college records, per WAC 174-108-210. Such request shall include the following:

- (a) The name of the person requesting the record.
- (b) The time of day and calendar date on which the request was made.

(c) If the matter requested is referenced within the current index maintained by the college records officer, a reference to the requested record as it is described in such index.

(d) If the requested matter is not identifiable by reference to the college records current index, a statement that succinctly describes the record requested.

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested. [Order 73-2, § 174-108-230, filed 9/27/73.]

WAC 174-108-240 Charges for copying. (1) No fee shall be charged for inspection of public records. The college may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official. [Order 73-2, § 174-108-240, filed 9/27/73.]

WAC 174-108-250 Determination regarding exempt records. (1) The college reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the college, president of the college, or an assistant attorney general assigned to the college.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or his designee, specifying the specific reasons therefor. [Order 73-2, § 174-108-250, filed 9/27/73.]

WAC 174-108-260 Review of denials for public records requests. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the college or any of his designees, which for the purposes of this section may include the public records officer or the records custodians, shall consider such petition.

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

(4) During the course of the informal hearing conducted by the president or his designee under this section, the hearing officer shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.250 insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details. [Order 73-2, § 174-108-260, filed 9/27/73.]

WAC 174-108-900 Form—Request for public records.

REQUEST FOR PUBLIC RECORDS

The Evergreen State College

Section I - IDENTIFICATION. The information requested in Boxes 1 through 4 is not mandatory. If provided, it will allow the Records Officer to contact you, if necessary, in connection with your request. DATE

1. Name of Requester | 2. Representing (if applicable)
3. Street Address
4. City-State-Zip Code | If there is any particular urgency attached to this request, please indicate the date by which you need the information.

Section II - NATURE OF REQUEST. Please be specific about the records you wish to see. If you do not know the name of the records, make your request in the form of a question. To comply with RCW 42.17.260(5) (Noncommercial Use), please sign the certification below.

I certify that the information obtained as a result of this request for public records will not be used in whole or in part to compile a list for commercial purposes.

Requester's Signature

DO NOT FILL IN BELOW THIS LINE

SECTION III - REQUEST FOR REVIEW

Requested by | Office | Telephone

Section IV - DISPOSITION OF REQUEST

1. | 2. | 3. | 4.
5. | 6. | 7. | 8. | 9.

[Order 73-2, Form (codified as WAC 174-108-900), filed 9/27/73.]

WAC 174-108-90001 Form—Public records request for copies.

PUBLIC RECORDS REQUEST FOR COPIES

The Evergreen State College

Please indicate the records that you wish to have copied, and number of copies of each. When completed, give this request to a staff member who will accompany you to the cashier and then to the nearest copy center. You will be required to pay for the copies before receiving them.

DESCRIPTION OF MATERIALS TO BE COPIED:

Reason for Request of Review

Opinion

Review Made By

[Order 73-2, Form (codified as WAC 174-108-90002), filed 9/27/73.]

Chapter 174-112 WAC PERSONNEL RULES

WAC

STAFF EDUCATIONAL BENEFITS

- 174-112-010 Policy.
174-112-020 Credit programs.
174-112-030 Noncredit programs.

RELEASE OF PERSONNEL INFORMATION

- 174-112-070 Release of personnel information—General policy.
174-112-080 Release of personnel information—Practices and procedures.
174-112-090 Release of personnel information—Information on race, creed, and politics.

EMPLOYMENT OF RELATIVES CONCERNING CONFLICT OF INTEREST

- 174-112-130 Employment of relatives concerning conflict of interest—General policy.
174-112-140 Employment of relatives concerning conflict of interest—Procedure.
174-112-150 Employment of relatives concerning conflict of interest—Definition.

STAFF EDUCATIONAL BENEFITS

WAC 174-112-010 Policy. The Evergreen State College offers educational benefits for faculty and for professional and staff employees in both the credit and noncredit programs. Any employee may, subject to the limitations below and with the written permission of his budgetary unit head, register for one unit of credit in academic programs without payment of basic tuition and fees. [Order 73-1, § 174-112-010, filed 6/20/73; Order 72-4, § 174-112-010, filed 10/27/72.]

WAC 174-112-020 Credit programs. (1) General Provisions - Any full-time employee (or part-time employee who is under written contract to the college) who

Requester's Signature

[Order 73-2, Form (codified as WAC 174-108-90001), filed 9/27/73.]

WAC 174-108-90002 Form—Request for review—Public records request.

REQUEST FOR REVIEW PUBLIC RECORDS REQUEST

The Evergreen State College

A review of the attached request for public records has been requested by the person named below. Note your opinion below and then have your secretary notify the PRO so that the forms may be picked up by our office. Your opinion, as stated, will not be disclosed to the public.

Review Requested By | Office | Telephone

has been accepted as a student at the college may participate in the credit program for one unit of credit without charge for basic tuition and fees, either as an auditor or for credit, under the following conditions. Any such employee may participate in the credit program for more than one unit of credit per quarter without charge for basic tuition and fees only with the written approval of the Vice President and Provost and the Administrative Vice President, under the following conditions:

(a) Unless tuition and fee waiver is acknowledged as a precondition of employment by his budgetary unit head, an employee must have completed six months continuous employment before becoming eligible for benefits.

(b) An employee must be admitted to the college as a student and follow the student registration and scholastic regulations.

(c) Charges beyond basic tuition and fees are the responsibility of the employee; for example, charges for late registration, charges of registration, breakage tickets, etc.

(d) An employee registering under the tuition and fees exemption provisions of this program will be entitled to receive benefits normally financed from services and activities fees only if he pays such fees.

(2) Admission – An employee expecting to participate in the credit program for the first time must submit an application for admission to the Office of Admissions and have transcripts and other routine admissions documents placed in his file prior to the deadline date set forth in the college catalog.

(3) Registration – An employee will follow the regular registration procedures expected of students except that the payment of tuition and fees will be waived when a completed "Faculty and Staff Tuition and Fee Exemption Request" is presented.

(4) Approval for Exemption – "Faculty and Staff Tuition and Fee Exemption Request" forms, available from the Personnel Office, Cashier's Office and the Scholarship and Loan Office, must be completed and signed by the staff member and have the signed approval of the employee's budgetary unit head and the Director of Personnel.

(5) Cancellation of Exemption – An employee participating in the credit program under an employee's tuition and fee exemption who terminates his employment with Evergreen (but who continues to participate in the program), shall be responsible for all normal tuition and fees on a pro-rata share basis for the balance of the program. [Order 73-1, § 174-112-020, filed 6/20/73; Order 72-4, § 174-112-020, filed 10/27/72.]

WAC 174-112-030 Noncredit programs. (1) General Provisions – Any full-time employee (or part-time employee who is under written contract to the college) may participate in the noncredit program under the following conditions:

(a) Unless tuition and fee waiver is acknowledged as a precondition of employment by his budgetary unit head, an employee must have completed six months continuous employment.

(b) Fees beyond the basic course fee, if any, are the responsibility of the registrant.

(2) Registration – An employee will follow the regular registration procedures expected of students except that the payment of tuition and fees will be waived when a completed "Faculty and Staff Tuition and Fee Exemption Request" is presented.

(3) Approval for Exemption – "Faculty and Staff Tuition and Fee Exemption Request" forms, available from the Personnel Office, Cashier's Office and the Scholarship and Loan Office, must be completed, signed by the staff member and have the approval of the employee's budgetary unit head and the Director of Personnel.

(4) Cancellation of Exemption – An employee participating in the noncredit program under an employee's tuition and fee exemption who terminates his employment with Evergreen (but who continues to participate in the program), shall be responsible for all normal tuition and fees on a pro-rata basis for the balance of the program. [Order 73-1, § 174-112-030, filed 6/20/73; Order 72-4, § 174-112-030, filed 10/27/72.]

RELEASE OF PERSONNEL INFORMATION

WAC 174-112-070 Release of personnel information—General policy. Evergreen's policy regarding release of personnel information recognizes the professional responsibility that must characterize interactions with faculty, staff, students, professional organizations, other institutions of higher education, and public organizations and agencies. This responsibility dictates that when a person becomes a faculty or staff member of the college and submits required personnel data attendant therewith, there is an implicit and justifiable assumption of trust placed in The Evergreen State College as custodian of these data. A similar relationship should be maintained relative to subsequent data generated during the employment of the faculty or staff member. [Order 72-5, § 174-112-070, filed 10/27/72.]

WAC 174-112-080 Release of personnel information—Practices and procedures. (1) The personnel records of faculty and staff members shall be maintained in the appropriate offices as follows.

(a) Faculty members – Office of the Vice President and Provost.

(b) Vice Presidents – Office of the President.

(c) Administrative exempt personnel – Office of the appropriate Vice President.

(d) Classified employees – Office of Staff Personnel.

Personnel information shall be released, as provided in WAC 174-112-080(2), only by, or at the direction of, the appropriate office.

(2) The following types of information regarding faculty and staff may be released.

(a) Information of a "public" or "directory" nature, that is, information which appears or has appeared in publications available to the general public.

(b) Responses to inquiries originating from prospective employers; if the request is made by telephone, the information may be released only after the authenticity of the request and its originator are verified.

(c) News releases regarding appointment or employment, promotion, professional accomplishments or special recognition of the faculty or staff member.

(d) Information requested by the direct supervisor of the faculty or staff member, but only when such information is required by the supervisor in the discharge of his official duties. Only the specific information requested should be released and under no circumstances should the faculty or staff member's personnel file be removed from the office.

(e) Information requested by an employee's representative but only after receipt of written authorization from the employee. Only information pertaining to the specific situation (e.g., disciplinary action or appeal) curtailed should be released.

(f) Employment duration and salary information may be verified to bona fide credit-granting organizations or credit bureaus when the request is made in writing on the letterhead of the organization or bureau; if the request is made by telephone, the information may be released only after the authenticity of the request and its originator are verified. [Order 72-5, § 174-112-080, filed 10/27/72.]

WAC 174-112-090 Release of personnel information—Information on race, creed, and politics. Information relative to a faculty or staff member's race will be released only as required by applicable state or federal law, or at his request.

Information regarding a faculty or staff member's religious creed shall not be recorded in his records unless he specifically requests its inclusion; if recorded, it may be released only at his request.

Information regarding a faculty or staff member's political memberships, beliefs or proclivities shall not be recorded in his records unless he specifically requests its inclusion; if recorded, it may be released only at his request. [Order 72-5, § 174-112-090, filed 10/27/72.]

EMPLOYMENT OF RELATIVES CONCERNING CONFLICT OF INTEREST

WAC 174-112-130 Employment of relatives concerning conflict of interest—General policy. In accordance with general college policy, the basic criteria for appointment and promotion of all college staff will be the appropriate qualifications and performance. Relationship by family or marriage shall constitute neither an advantage nor a deterrent to appointment by the college provided the individual meets and fulfills the appropriate appointment standards. However, section 16, chapter 234, Laws of 1969 and RCW 42.18.160 provide in part as follows: "No state employee shall participate in a transaction involving the state in the consequences of which to his actual knowledge any of the following persons have a direct and substantial economic interest: a) his spouse or child; or b) any person in which he has a substantial economic interest of which he may reasonably be expected to know."

In order to preclude the possibility of violation of the section as cited, whenever a relative of a present employee is being considered for employment at the college,

prior written approval must be given by the appropriate vice president in the case of exempt personnel and by the budgetary unit head and the Director of Personnel in the case of classified personnel. In situations where individuals become relatives after being employed by the college or regardless of the manner in which relatives have become members of the campus community, it shall be the responsibility of the appropriate vice president to insure that they do not participate in transactions as defined in WAC 174-112-150(2). [Order 72-6, § 174-112-130, filed 10/27/72.]

WAC 174-112-140 Employment of relatives concerning conflict of interest—Procedure. If a supervisor is granted approval to hire a relative, a copy of the written approval will be placed in the staff member's personnel file. If employees are determined to have participated in transactions as defined in WAC 174-112-150(2), they will be subject to the college code of conduct. [Order 72-6, § 174-112-140, filed 10/27/72.]

WAC 174-112-150 Employment of relatives concerning conflict of interest—Definition. (1) Relative: For the purpose of this policy, relative is defined as the husband or wife of a staff member, as well as the son, daughter, mother, father, brother, or sister of the staff member or spouse. This definition is not to be construed to exclude the possibility of questions of conflict of interest in the case of other family relationships.

(2) Conflict of Interest/Transactions: The college considers the following as among transactions involving a direct and substantial economic interest: the appointment, termination of appointment, promotion, demotion, approval of salary increase or decrease of persons employed by the college. [Order 72-6, § 174-112-150, filed 10/27/72.]

Chapter 174-116 WAC

CAMPUS PARKING AND TRAFFIC REGULATIONS

WAC

174-116-010	Purpose.
174-116-020	Authority.
174-116-030	Enforcement.
174-116-040	Scope.
174-116-050	Responsibility.
174-116-060	Traffic regulations applicable.
174-116-070	Speed.
174-116-080	Access.
174-116-090	Motor vehicle registration.
174-116-105	Valid parking permits required.
174-116-115	Parking permit regulations.
174-116-125	Valid parking permits.
174-116-135	Parking permits displayed.
174-116-140	Parking areas.
174-116-150	Violation, penalty, impounding.
174-116-160	Bicycle parking.
174-116-170	Bicycle travel.
174-116-180	Bicycle equipment, brakes, lights.
174-116-190	Pedestrian right of way.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

174-116-100	Parking permits required. [Order 72-7, § 174-116-100, filed 10/27/72.] Repealed by Order 73-4, filed
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- 11/27/73. Later promulgation, see WAC 174-116-105.
- 174-116-110 Parking permits. [Order 72-7, § 174-116-110, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-115.
- 174-116-120 Parking permit valid. [Order 72-7, § 174-116-120, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-125.
- 174-116-130 Display of parking permits. [Order 72-7, § 174-116-130, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-135.

WAC 174-116-010 Purpose. (1) To expedite college business, protect state property, provide maximum safety and convenience for all.

(2) To assure access at all times for emergency vehicles and personnel.

(3) To provide funds to obtain and maintain suitable campus parking facilities.

(4) These regulations shall become effective on November 26, 1972. [Order 72-7, § 174-116-010, filed 10/27/72.]

WAC 174-116-020 Authority. The Evergreen State College through its Board of Trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560. [Order 72-7, § 174-116-020, filed 10/27/72.]

WAC 174-116-030 Enforcement. Personnel of the Security Office and any other enforcement agency having jurisdiction shall be responsible for enforcing all of the parking and traffic regulations of the campus. [Order 72-7, § 174-116-030, filed 10/27/72.]

WAC 174-116-040 Scope. These laws and regulations shall be applicable at all times and on all lands which are or may hereafter be devoted mainly to educational, research, housing, recreational, or parking activities of The Evergreen State College. [Order 72-7, § 174-116-040, filed 10/27/72.]

WAC 174-116-050 Responsibility. The operator or owner, or both, of any vehicle driven in areas covered under the scope of this policy shall be held responsible for obeying all state laws and campus traffic and parking regulations.

Ignorance of these laws and regulations shall not be an excuse for their violation. [Order 72-7, § 174-116-050, filed 10/27/72.]

WAC 174-116-060 Traffic regulations applicable. The motor vehicle laws of the State of Washington and any rules stated herein shall be applicable at all times in areas covered under the scope of this policy. [Order 72-7, § 174-116-060, filed 10/27/72.]

WAC 174-116-070 Speed. Unless otherwise posted, the maximum speed limit in areas covered under the scope of this policy shall be 25 miles per hour for all motor vehicles and bicycles. [Order 72-7, § 174-116-070, filed 10/27/72.]

WAC 174-116-080 Access. Privately owned motor vehicles shall be driven only on those roadways designed and built for their use.

Marked "service" drives shall be used only by college employees conducting official business, emergency vehicles, and authorized delivery vehicles. Any and all other vehicles are prohibited from traveling or parking in these areas for any reason.

Brick-paved and other designated areas are for pedestrian and bicycle traffic only, except as needed for emergency vehicle or for maintenance of buildings or grounds. [Order 72-7, § 174-116-080, filed 10/27/72.]

WAC 174-116-090 Motor vehicle registration. In accordance with state laws, all motor vehicles must be currently licensed and display appropriate plates. [Order 72-7, § 174-116-090, filed 10/27/72.]

WAC 174-116-105 Valid parking permits required. All privately owned motor vehicles parked or left standing unattended anywhere in areas covered under the scope of this policy are required to display a currently valid Evergreen parking permit during the hours of 8:00 AM to 4:00 PM, Monday through Friday, and at such other times as the college may designate. [Order 77-3, § 174-116-105, filed 12/16/77; Order 75-2, § 174-116-105, filed 8/12/75. Formerly WAC 174-116-100.]

WAC 174-116-115 Parking permit regulations. (1) Annual, quarterly and monthly permits shall be in the form of decals permanently affixed to vehicles for which they were issued, which decals may be purchased from the college cashier at the rate of \$25.00 a year, \$10.00 a quarter, or \$5.00 a month.

(2) Daily permits shall be in the form of date-stamped tickets available at the staffed booth on the parkway at the rate of \$0.25 each.

(3) Students who reside in college-owned housing shall be issued permits entitling them to park in parking lot F at no cost; residence hall residents may secure permits from the Housing Office.

(4) Contractor and construction employees who work on campus projects shall be granted parking privileges without charge, for specific campus locations; these employees shall request appropriate permits through the project foremen who may secure them from the Security Office.

(5) Visitor permits will be issued without charge for specific periods when requested at least 24 hours in advance by the appropriate college official. Irregular visitors shall be issued daily permits without charge at the discretion of the individual staffing the parking booth.

(6) Vendors conducting official business with the college may secure parking permits through the Purchasing Office at no cost.

(7) Federal, state, county, city and school district and other governmental personnel on official business in vehicles with tax exempt licenses may park without permits.

(8) Staff members and students who participate in car pools may purchase a single transferable permit, subject to the following instructions: each vehicle owner within

the pool shall complete a "parking permit application" and submit it to the cashier but only one vehicle displaying the car pool decal may park on campus on a given day unless a daily permit is purchased. [Order 77-3, § 174-116-115, filed 12/16/77; Order 75-2, § 174-116-115, filed 8/12/75. Formerly WAC 174-116-110].

WAC 174-116-125 Valid parking permits. Quarter periods are defined as fall, winter, spring and summer. Annual permits are valid for one calendar year, quarterly permits are valid until the beginning of the next quarter as listed on the academic schedule, monthly permits are valid for one calendar month, daily permits are valid for date stamped only. [Order 77-3, § 174-116-125, filed 12/16/77; Order 75-2, § 174-116-125, filed 8/12/75. Formerly WAC 174-116-120.]

WAC 174-116-135 Parking permits displayed. (1) Annual, quarterly and monthly permits shall be permanently affixed in accordance with instructions.

(2) Special temporary permits and daily permits shall be placed on the dashboard of the vehicle so as to be visible and readable from outside the vehicle.

(3) Motorcycle permits must be placed so as to be visible and readable from the front of the vehicle.

(4) A vehicle permit that cannot be read from the outside of the vehicle shall not be considered valid.

(5) Only the currently valid Evergreen permit may be displayed; all other Evergreen parking permits must be removed. [Order 75-2, § 174-116-135, filed 8/12/75. Formerly WAC 174-116-130.]

WAC 174-116-140 Parking areas. (1) Vehicles shall park in designated parking lots and in marked parking spaces only.

(2) No vehicle whether attended or unattended shall park along any roadway or the parkway unless disabled, and then only when the owner or operator is actively engaged in arrangements for its removal.

(3) No vehicle shall park so as to occupy more than one marked parking space in any parking lot or other marked area regulating the position of parked vehicles.

(4) Buses, motorcycles, and bicycles shall park only in areas designated for them.

(5) Construction personnel will park in assigned lots and spaces only, unless authorized by the Security Office to park elsewhere.

(6) These rules shall not be construed to prevent the temporary parking or standing of emergency, maintenance, or construction vehicles.

(7) Only vehicles with currently valid Evergreen parking permits may park in any parking area.

(8) Limited handicapped parking is available on request to the Security Office. To qualify for handicapped parking on campus, a "Special Parking" decal must be obtained from the Department of Motor Vehicles in accordance with RCW 46.16.380. In addition, a currently valid Evergreen parking permit must be displayed. [Order 75-2, § 174-116-140, filed 8/12/75; Order 73-4, § 174-116-140, filed 11/27/73; Order 72-7, § 174-116-140, filed 10/27/72.]

WAC 174-116-150 Violation, penalty, impounding.

(1) Violators of these traffic regulations, other than parking regulations, will be notified by issuance of violation tickets. The college will not assess fines.

(2) Vehicles which violate the parking permit requirements of WAC 174-116-105 and those which park in no parking areas, marked service accesses, roadways, loading docks and brick-paved and other prohibited areas will be impounded in place on the second similar violation within the academic quarter, provided, however, that during the first week of each Fall Quarter, no vehicle will be impounded for lack of a valid parking permit.

Upon impoundment in place, an impound device shall be attached and an "Impound Notice" will be placed on the violating vehicle instructing the driver to pay a \$5.00 service fee to the Security Office for removal of the impound device; upon receipt of the service fee the Security Office will remove the impound device.

(3) Vehicles which have been impounded in place and escape the impound through means other than release by the Security Office will not be impounded in place again, but will, upon repeated violation, be towed away without notice by a commercial towing company and impounded at a location approved by the Security Chief at the risk and expense of the vehicle's owner.

(4) Anything in paragraph (2), above, to the contrary notwithstanding vehicles parked in marked fire lanes will be towed away without notice by a commercial towing company and impounded at a location approved by the Security Chief at the risk and expense of the vehicle's owner.

(5) Disabled or inoperable vehicles will be considered abandoned in accordance with RCW 46.52.102 and impounded after 24 hours.

(6) In all cases, the violation record kept in the Security Office will be considered the final and binding record of past violations and impounds.

(7) A vehicle will be considered under impound at the time it is so ordered by a Security Officer. [Order 75-2, § 174-116-150, filed 8/12/75; Order 73-4, § 174-116-150, filed 11/27/73; Order 72-7, § 174-116-150, filed 10/27/72.]

WAC 174-116-160 Bicycle parking. Bicycles must park in designated locations. Parking is not allowed inside buildings or on walkways.

Bicycles parked in such a manner that normal pedestrian traffic is impaired may be impounded and held at the Security Office. [Order 72-7, § 174-116-160, filed 10/27/72.]

WAC 174-116-170 Bicycle travel. Bicycles may travel on walkways and brick-paved outdoor plazas *Provided:* They must yield to all pedestrian traffic.

Bicycles according to RCW 46.61.755 must adhere to all of the traffic laws applicable to motor vehicles. In particular:

(1) They must travel on the right side of any roadway.

(2) They must obey stop, speed, and yield signs.

(3) They must signal their intentions to turn and slow or stop by use of the appropriate hand signal. [Order 72-7, § 174-116-170, filed 10/27/72.]

WAC 174-116-180 Bicycle equipment, brakes, lights. RCW 46.61.780. Lamps and other equipment on bicycles. As a matter of information, Washington law requires that:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the State Commission on Equipment, which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. [Order 72-7, § 174-116-180, filed 10/27/72.]

WAC 174-116-190 Pedestrian right of way. Pedestrians have absolute right of way on all walkways, sidewalks, brick-paved areas, and in all marked crosswalks.

When walking on the shoulder of any roadway without benefit of a sidewalk, a pedestrian should walk toward the oncoming traffic. [Order 72-7, § 174-116-190, filed 10/27/72.]

Chapter 174-124 WAC

SOCIAL CONTRACT AMONG THE MEMBERS OF THE COMMUNITY OF THE EVERGREEN STATE COLLEGE—COMMUNITY CODE OF CONDUCT

WAC

174-124-010	Introduction—Declarations of college policy.
174-124-020	Basic purposes—Individual responsibility of members of the college community.
174-124-030	Individual rights of members of the Evergreen community.
174-124-040	Conditions of learning—Freedom—Privacy—Honesty.
174-124-050	Institutional rights and obligations.
174-124-060	The issue of strikes—Boycotts—Sanctions.
174-124-070	Judicial action.
174-124-080	Informal mediation.
174-124-090	Formal mediation—Community service list.
174-124-100	Appeal procedure—Board of judgment.
174-124-110	Off-campus offenses or convictions—All-campus hearing board.
174-124-120	Procedural review—Subsequent modification of rules.

WAC 174-124-010 Introduction—Declarations of college policy. (1) In its life as a community, The Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules. The contract, open to modifications over time and responsive to the changing circumstances sure to attend the institution's future, represents a commitment by each one of us to search for the set of agreements that define the spirit that we are trying together to engender at the college, that indicate the conditions that support the primary purposes for which Evergreen was called into existence, and that specify the principles under

which all of us can live together as civilized and decent people who share the often very different excitements of learning.

(2) Closely related to Governance and Decision-Making at Evergreen, this document summarizes the discussions to date of the concerns affecting the relationships of the members of the Evergreen community to themselves, to each other, to the college as an institution, and to the larger society of which that institution is necessarily and inescapably an agency. As a compact among people, this social contract calls for all associated with Evergreen—students, faculty and staff, and trustees—to be signatories to it. Two issues of a procedural kind must be dealt with: One has to do with the process by which members of the community "become signatories"; the other focuses on the matter of timing.

(3) The suggestion offered here is that the social contract, along with Governance and Decision-Making at Evergreen, be published in the catalog and that this publication be accompanied by a statement indicating that all persons who become affiliated with the college as students or as employees agree as a condition of acceptance or employment to conduct themselves according to the principles embodied in these documents. This arrangement precludes the necessity of collecting signature cards and of requiring the occasionally distasteful signing of formal "oaths."

(4) On the matter of timing, the recommendation submitted at this point is that the social contract be accepted as the basis for the college's operations during 1971-1972, a year during which further discussions can be held with respect to its spirit, its principles, and its language. With its publication in the catalog for 1972-1973, the force of its contractual implications becomes official. Patterned in this manner, *ex post facto* considerations are avoided, and all of those presently on the Evergreen campus will have the necessary and appropriate chance to react to a statement of considerable importance to them but which was not available for their consideration prior to their joining the college community. [Order 2, § 174-124-010, filed 2/22/72.]

WAC 174-124-020 Basic purposes—Individual responsibility of members of the college community. (1) The Evergreen State College is an association of people who come together to learn and to help each other learn. Such a community of learners can thrive only if each member respects the rights of others while enjoying his own rights. It depends heavily on a network of mutual trust and an atmosphere of civility; and it grows in its human utility only if each of its members lives up to the responsibilities for honesty, fairness, tolerance, and the giving of his best efforts as those efforts are entailed by his membership. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degrees and kinds of experience they bring to Evergreen, and in the functions which they have agreed to perform. But all must share alike in prizing academic and inter-personal honesty, in responsibly obtaining and providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

(2) These considerations directly imply the necessity of an organized structure to achieve the goals of more effective learning, a system of governance that encourages widespread participation in the making of college decisions (See Governance and Decision-Making at Evergreen, statement of 10 June, 1971), and a full awareness on the part of every member of the community of how his behavior influences the climate and the spirit of the campus. If the spirit and climate of the college are to promote learning most effectively, then each member of the community must protect in an active, thoughtful, and concerned way (a) the fundamental rights of others in the community as citizens, (b) the right of each member of the community to pursue different learning objectives within the limits defined by Evergreen's resources in people, materials and equipment, and money, (c) the rights and obligations of Evergreen as an institution established by the state of Washington, and (d) the rights of all members of the community to fair and equitable procedures for determining how, when, and against whom the community must act when its safety or its integrity has been damaged. Even more important, however, is the requirement, difficult to define and impossible to legislate, that each member of the Evergreen community concern himself with how the college can become a more productive, more humane, and more supportive place in which to learn. This requirement entails an explicit and continuing consideration of the delicate balances in the relationship of the members of the Evergreen community to each other and to the institution itself. [Order 2, § 174-124-020, filed 2/22/72.]

WAC 174-124-030 Individual rights of members of the Evergreen community. (1) Members of the Evergreen community recognize that the college is inherently and inescapably a part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. From this state of affairs flow certain rights for the members of the Evergreen community, certain conditions of campus life, and certain obligations.

(2) Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of belief, and freedom from personal force and violence, from threats of violence, and from personal abuse.

(3) Freedom of the press implies the right to freedom from censorship in campus newspapers and other media. Concomitantly, such publications are subject to the usual canons of responsible journalism, to the law of the press, and to the same conditions of self-maintenance that apply to other forms of public communication.

(4) There may be no discrimination at Evergreen with respect to race, sex, religious or political belief, or national origin with respect to admission, employment, or promotion.

(5) Because the Evergreen community is not separate or segregated from the larger society, the campus is not a sanctuary from the general law or invulnerable to the general public interest. The members of the Evergreen community are therefore obligated to deal with the relationship between the campus and the larger society with

a balance of forthrightness and sensitivity, criticism and respect, and an appreciation of the complexities of social change and personal differences.

(6) The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make their statements in their own names and not as expressions of the college.

(7) Each member of the college community has the right to organize his own personal life and conduct according to his own values and preferences so long as his actions accord with the general law, are in keeping with agreements voluntarily entered into, evince an appropriate respect for the rights of others to organize their lives differently, and advance (or at least do not interfere with) the community-wide purpose of more effective learning. In short, Evergreen does not stand *in loco parentis* for its members. [Order 2, § 174-124-030, filed 2/22/72.]

WAC 174-124-040 Conditions of learning—Freedom—Privacy—Honesty. (1) As a community of people who have come together to learn and to help one another to learn more effectively, Evergreen's members live under a special set of rights and responsibilities. Foremost among these rights is that of enjoying full freedom to explore the nature and implications of ideas, to generate new ideas, and to discuss their explorations and discoveries in both speech and print without let or hindrance. Both institutional censorship and intolerance by individuals or groups are at a variance with this basic freedom. By a similar token, research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, also violate the principle of free inquiry.

(2) Serious thought and learning entail privacy. Although human accessibility is a basic value, and although meetings of public significance cannot properly be held in secret, all members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(3) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. In order to protect the safety of the community and to respect the equal rights of those who choose not to participate, reasonable and impartially applied rules, following established procedures of governance (See Governance and Decision-Making at Evergreen), may be set with respect to time, place and use of Evergreen facilities in these activities.

(4) Honesty is an essential condition of learning. Honesty includes (although it is not limited to) the presentation of only one's own work in one's own name, the full consideration of evidence and logic even when they contradict a cherished personal point of view, and the recognition—insofar as it is humanly possible—

of biases and prejudices in oneself as one strives to become a more effective learner.

(5) Another essential condition of learning is the full freedom and right on the part of individuals and groups to the expression of minority, unpopular, or controversial points of view. If the Evergreen community is to prove valuable to all its members, this right must be especially cherished, particularly when the predominant current of opinion, regardless of its character or its content, runs strong.

(6) Related to this point is the way in which civility is a fundamental condition of learning. Only if minority and unpopular points of view are accorded respect, are listened to, and are given full opportunity for expression will Evergreen provide *bona fide* opportunities for significant learning as opposed to pressures, subtle or overt, to ride the main tides of purely contemporary opinion.

(7) All members of the Evergreen community—students, staff, faculty, administrators, trustees, and all others—are under an obligation to protect the integrity of Evergreen as a community of learners from external and internal attacks, and to prevent the financial, political, or other exploitation of the campus by any individual or group. [Order 2, § 174-124-040, filed 2/22/72.]

WAC 174-124-050 Institutional rights and obligations. (1) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the community. (See Governance and Decision-Making at Evergreen, sections on the college forum and on the college sounding board.)

(2) The college has the obligation to prohibit the use of its name, its finances, and its facilities for commercial purposes.

(3) Evergreen has the right to prohibit individuals and groups who are not members of its community from using its name, its financial or other resources, and its facilities for commercial, religious, or political activities. This right is balanced by an obligation to formulate and to administer its policies in this regard in an even-handed manner.

(4) The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affects its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

(5) The individual members of the Evergreen community have the responsibility for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. At the

same time, it also must guarantee the right of the members of its community to be heard at appropriate levels of decision-making with respect to basic matters of policy and other issues of direct concern. As a community, Evergreen, through its governance structures, has both the right and the obligation to establish reasonable standards of conduct for its members in order to safeguard the processes of learning, to provide for the safety of its members, to protect the investment of the people of the state of Washington in its properties, and to insure a suitable respect for the very different tastes and sensibilities of its members. For these reasons, the law empowers the president or his designees to intercede whenever, in his (or their) judgment, a clear and present danger to these concerns exists. [Order 2, § 174-124-050, filed 2/22/72.]

WAC 174-124-060 The issue of strikes—Boycotts—Sanctions. (1) The strike, including such variant procedures as the boycott and the prolonged demonstration, has been formally institutionalized in industrial society as one means of effecting change. It is recognized at law, has generated its own official personnel, and operates according to relatively common understandings. Because the strike bases itself in adversary rather than collaborative relationships, it is an inappropriate means of seeking change at Evergreen. Nevertheless, an awareness of human frailty and the complexity of our times suggest that, in spite of hopes that strikes will not need to occur within our community, wisdom and prudence call for some relevant concepts and policies from the outset.

(2) As an effective means of demonstrating moral commitment and the courage of one's convictions, a strike entails costs; those who choose to strike must put something of value on the line that they choose to draw. Otherwise, a strike readily degenerates into a kind of hybrid—part party and part parade with little moral or intellectual meaning. It is for this reason that industrial workers do without their pay when they, for explicit purposes, withhold their labor.

(3) Because there is no reason for a campus to enjoy exemptions from these principled conditions, two entailments follow: First, both as an institution and as a community, Evergreen has the right to deny pay and academic credit to its members who participate in strikes. Second, that right is balanced by an obligation to accept legally conducted strikes without dismissing those who participate in them.

(4) Difficulties here are more probable in connection with the denial of credit than with the denial of pay. If striking students are able to meet their full academic obligations, then the notion of Evergreen as a community of learners argues against their having credit withheld. The judgment of program coordinators and of supervisors of learning contracts has a central and basic importance here; but when program coordinators and supervisors of contracts may also have been involved in a strike, then the question arises of the extent to which their judgment is uncontaminated and of how free they may be from conflicts of interests. Specific and detailed

procedures must be developed to cope with these contingencies, but the basic means of arriving at equitable decisions are provided by the sections on adjudication in Governance and Decision-Making at Evergreen. [Order 2, § 174-124-060, filed 2/22/72.]

WAC 174-124-070 Judicial action. Although the mechanisms of suit and litigation are obviously essential at Evergreen, they represent the last resort within a viable community. In this social contract among Evergreen's members, our concern is less on governmental and policy-oriented issues, which are covered primarily by Governance and Decision-Making at Evergreen, and more on the personal relationships among its members and between various groups, both formal and informal, that may come into existence. In these realms of human relationships, judicial action is a less desirable way of resolving difficulties in a genuine community than are more informal methods of mediation. The processes outlined here touch, therefore, on three levels of conflict-resolution: informal mediation, formal mediation, formal arbitration and enforcement, and, where necessary, a means of appeal. [Order 2, § 174-124-070, filed 2/22/72.]

WAC 174-124-080 Informal mediation. To begin with, it is expected that members of the Evergreen community who come into conflict with one another will make a determined effort to resolve their problems peacefully and quietly by themselves. When unable to work out their differences in this direct fashion, then they may resort to informal mediation in which no records are kept, no formal bodies are convened, and no "law" need be (although it may be) referred to other than the terms of this social contract. By mutual agreement, the parties to a dispute may call in a third party of their own choice to help them; they may request counseling help from some other member of the community; they may invite or accept intervention by one of the student facilitators, or they may select a moderator from the community service list. These possibilities are not at all exhaustive; the people in conflict can choose any other method that is mutually acceptable to help them clear up their problems in a peaceful and quiet fashion. The great majority of disputes are expected to find resolution at this informal level, and the obligation of the community is to insure the availability of these kinds of methods. [Order 2, § 174-124-080, filed 2/22/72.]

WAC 174-124-090 Formal mediation—Community service list. (1) When informal processes fail to produce satisfaction, then the parties to a dispute may, following procedures outlined in Governance and Decision-Making at Evergreen (pp. 10-11), convene a jury from the community service list to decide the issue between them. To convene the jury, evidence must be presented that informal efforts at settlement have been tried in a *bona fide* way. The task of the jury is essentially that of mediation; its functions are to resolve a conflict, to provide guidelines for the disputants to consider in their future conduct, and to record its opinion. Although

its judgment is final, it has no power to enforce its findings or to penalize the party to the conflict whom it finds at fault if, indeed, it identifies one of the disputants as "wrong" in some sense.

(2) Only if, after such a jury decision, the conflict or dispute flares anew is a board of judgment convened, again from the community service list, with powers of enforcement and penalty. The board is bound by the opinion of the preceding jury. Its task is to determine whether that opinion has been violated, to enforce that opinion and to apply suitable penalties when necessary, and to record its action. [Order 2, § 174-124-090, filed 2/22/72.]

WAC 174-124-100 Appeal procedure—Board of judgment. If the action by the board of judgment is unsatisfactory, then an application for appeal may be entered with the all-campus hearing board. The all-campus hearing board may accept or reject the appeal. If it accepts, then it has the power to review the original opinion of the jury as well as to consider the actions by the board of judgment. The only appeal within the institution is by petition to the board of trustees. The board of trustees may also, on its own motion, review the decision of the all-campus hearing board and affirm, modify, or reverse that decision. [Order 2, § 174-124-100, filed 2/22/72.]

WAC 174-124-110 Off-campus offenses or convictions—All-campus hearing board. (1) There remains the problem of double jurisdiction or the extent to which the Evergreen community may have an appropriate interest in the implications of offenses that are committed outside its own precincts. This problem is a very real one, but the general principle is that, unless the nature of the offense raises questions about the suitability of the person's membership in the Evergreen community, his payment of penalties exacted by the general law of our society absolves him from paying additional penalties under the rules of the college. This position is consistent with the fact that Evergreen does *not* stand *in loco parentis*. An additional entailment of this stance, however, is that the college cannot properly intervene in behalf of its members if and when they come afoul of the general law. This position in no way precludes, of course, actions by individuals in their own names and on their own responsibility; such actions fall within the inherent rights of citizenship fully recognized by Evergreen.

(2) The question of a general community interest may be raised only when members of the Evergreen community have been *convicted* of off-campus offenses. When, in the light of such a conviction, a member of the Evergreen community believes that the offender has, by the nature of his offense, demonstrated a lack of fitness to continue as a student or an employee of the college, he may request in writing a hearing on the issue by the all-campus hearing board. Initiative rests entirely with the person who is involved.

(3) When hearings are requested, they must, of course, be conducted in public. If the finding of the all-campus hearing board is unsatisfactory, then a petition for appeal may be filed with the board of trustees of The

Evergreen State College. If the appeal is accepted, then the hearing by the board of trustees must be held promptly and in public with its decision being final. In accepting an appeal, the board may, however, appoint a panel of hearing officers to take testimony which the board will then review in arriving at its decision. On its own motion, the board of trustees may also review any decision of the all-campus hearing board and affirm, modify, or reverse that decision. [Order 2, § 174-124-110, filed 2/22/72.]

WAC 174-124-120 Procedural review—Subsequent modification of rules. (1) In both this statement of the Evergreen social contract and in Governance and Decision-Making at Evergreen, a number of important procedural clarifications are still necessary. Several members of the present task force on the social contract have expressed interest in helping to formulate those procedures and to work them out in the necessary greater detail. If acceptable to the community, then the appropriate members of the task force and interested members of the committee on governance could profitably assemble to identify the problems and to begin to move toward their speedy solution.

(2) This document is subject to review and change by processes analogous to those which brought it into being. [Order 2, § 174-124-120, filed 2/22/72.]

Chapter 174-136 WAC USE OF COLLEGE FACILITIES

WAC

OUTSIDE SPEAKERS, PERFORMERS, AND OTHER EVENTS (FACILITIES PLANNING AND UTILIZATION POLICY)

- 174-136-010 General policy.
- 174-136-011 Limitations.
- 174-136-012 Sponsoring and broad policy.
- 174-136-013 Scheduling and reservation priorities.
- 174-136-014 Facilities assignment and scheduling responsibility.
- 174-136-015 Procedures for securing permission.
- 174-136-016 Charges for facilities and services.
- 174-136-017 Other requirements.
- 174-136-018 Audio and visual recording.
- 174-136-019 Activities for commercial purposes.
- 174-136-02001 Revenues.
- 174-136-021 Conferences and conventions.
- 174-136-022 Penalties for violations of commercial activities regulations.
- 174-136-040 Habitating in unauthorized places—Prohibition.
- 174-136-042 Habitating in unauthorized places—Penalties for violation.

THE EVERGREEN STATE COLLEGE LIBRARY CIRCULATION POLICY (FACILITIES PLANNING AND UTILIZATION POLICY)

- 174-136-060 Access and use of library resources.
- 174-136-070 Priority.
- 174-136-080 Loan periods.
- 174-136-090 Lost and damaged library resources.
- 174-136-100 Reserve.
- 174-136-110 Charging out library resources.
- 174-136-120 Interlibrary loan.

SMOKING REGULATIONS

- 174-136-160 When smoking is permitted.
- 174-136-170 When smoking is not permitted.

ON-CAMPUS EMPLOYER INTERVIEWS AND RECRUITING

- 174-136-210 Policy.

- 174-136-220 Hearing Board.
- 174-136-230 Discrimination.
- 174-136-240 Protests.
- 174-136-250 Requests from employers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 174-136-020 Policy implementation. [Order 72-1, § 174-136-020, filed 5/5/72.] Repealed by Order 75-4, filed 8/12/75.

OUTSIDE SPEAKERS, PERFORMERS, AND OTHER EVENTS (FACILITIES PLANNING AND UTILIZATION POLICY)

WAC 174-136-010 General policy. The Evergreen State College is an educational institution provided and maintained by the people of the State of Washington. Those activities related to its broad educational mission shall at all times have first call on its campus buildings, properties and facilities. [Order 74-2, § 174-136-010, filed 5/24/74; Order 72-1, § 174-136-010, filed 5/5/72.]

WAC 174-136-011 Limitations. (1) College facilities may not be used in ways which interfere with or are detrimental to the college's own teaching, research, public service or support programs, or which interfere with the free flow of pedestrian or vehicular traffic.

(2) College facilities may not be used for religious worship, exercise, or instruction (Washington State Constitution, Article I, Section 2).

(3) College facilities may not be used for private or commercial purposes such as solicitation, sales, advertising or promotional activities, unless such activities clearly serve educational purposes *and* when sponsored by or undertaken at the request of an appropriate college unit, or when by contractual agreement with the college.

(4) College facilities may be used on a nondiscriminatory basis for the purpose of political campaigning by or for candidates who have filed for public office only when sponsored by members of the Evergreen student body, faculty or staff, and when the audience is limited to students, faculty and staff and their immediate families.

(5) In no case may college facilities or services be used to establish or maintain an office or headquarters for a political candidate or partisan political cause.

(6) No speaker or performer will be barred from appearance on the Evergreen campus on account of nationality, race, color, sex, religion, political affiliation, or personal philosophy.

(7) No person not a member of the Evergreen student body, faculty or staff has an inherent right to conduct an event or speak, lecture, or perform on the Evergreen campus.

(8) No person not a member of the Evergreen student body, faculty or staff has a right to demand that he/she be allowed to participate in an event or listen to or watch a speaker, lecturer, or performer on the Evergreen campus.

In exceptional cases, the President may at his discretion limit participants or audience to members of the group who issued the invitation. [Order 74-2, § 174-136-011, filed 5/24/74.]

WAC 174-136-012 Sponsoring and broad policy.

(1) Any Evergreen student, faculty, or staff member, or formal or informal organization thereof, is eligible to sponsor an event or the appearance of a speaker, lecturer, performer or other individual or group from outside the college, subject to WAC 174-136-010 through 174-136-022 and the Faculty Handbook, and subject to compliance with local, state and federal laws. (See the Faculty Handbook for guidelines on noncredit generating educational activities.)

(2) The use of college premises and facilities by an individual or groups for purposes other than in connection with Evergreen's regular educational, research, public service or support programs will be permitted, subject to the requirements of WAC 174-136-010 through 174-136-022, if:

- (a) the individual or group requesting the space is eligible to use it, and
- (b) the space is available and has been reserved for the event or appearance. [Order 74-2, § 174-136-012, filed 5/24/74.]

WAC 174-136-013 Scheduling and reservation priorities. No college facilities may be employed for an event or appearance of a speaker, lecturer, performer, or other individual or group from outside the college unless and until facilities required have been reserved. Reservation for the use of college facilities, including buildings, equipment, and land, will be assigned according to the following priorities:

(1) Academic buildings and the College Recreation Center:

- (a) The college's regular instructional, research, public service and support programs.
- (b) Major college events.
- (c) Student, faculty, and staff related events.
- (d) Alumni related events.
- (e) Noncollege (outside individual or organization) related events.

(2) College Activities Building (other than areas designated for specific functions such as food service and the Bookstore):

- (a) Student related events.
- (b) Major college events.
- (c) Faculty and staff related events.
- (d) Alumni related events.
- (e) The college's regular instructional, research, public service and support programs.
- (f) Noncollege (outside individuals and organizations) related events.

(3) Residence Halls (common areas only):

- (a) Residence Hall residents related events.
- (b) Other student related events.
- (c) Faculty and staff related events.
- (d) Alumni related events.
- (e) The college's regular instructional, research, public service and support programs.
- (f) Noncollege (outside individuals and organizations) related events. [Order 74-2, § 174-136-013, filed 5/24/74.]

WAC 174-136-014 Facilities assignment and scheduling responsibility. Responsibility for assigning and scheduling college buildings and land lies with the Director of Facilities, subject to his delegation. [Order 74-2, § 174-136-014, filed 5/24/74.]

WAC 174-136-015 Procedures for securing permission. (1) No permission is necessary for a speaker or performer invited by a faculty member or staff member to participate in the regular instructional, research, public service or support programs of the college if it is not necessary to make special arrangements for facilities and if the appearance will not disrupt the college's normal operations or interfere with rights of others. (If the event is to be open to the public, the Director of Recreation and Campus Activities shall be notified.)

(2) Permission to schedule an event or appearance other than as delineated immediately above must be secured from the Director of Recreation and Campus Activities (if not a commercial activity as defined in WAC 174-136-020 and if not a conference or convention) or from the Director of Auxiliary Services (if a commercial activity or a conference or convention). See Exhibit I for format of "Request for Use of College Facilities." [Order 74-2, § 174-136-015, filed 5/24/74.]

WAC 174-136-016 Charges for facilities and services. Charges for facilities and required services may be made by the college to the sponsor of any event or appearance other than one required for the regular instructional, research, public service or support programs of the college, per the schedule of charges established and published by the Business Manager. Special services (e.g., chair set-up) and equipment use charges may be charged in addition to the facilities use fees. [Order 74-2, § 174-136-016, filed 5/24/74.]

WAC 174-136-017 Other requirements. (1) When deemed advisable by the Director of Recreation and Campus Activities, or the Director of Auxiliary Services, as the case may be, the sponsor or conductor of an event or appearance may be required to make an advance deposit, post a bond, and/or obtain insurance to protect the college against damage costs or other liability.

(2) Permission to an individual or organization for use of college facilities, when granted, carries the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from the use of college facilities and that he, she, or it agrees to hold harmless and indemnify the college against any loss or damage or claims arising out of such use. [Order 74-2, § 174-136-017, filed 5/24/74.]

WAC 174-136-018 Audio and visual recording. The sponsor of any event or appearance shall be responsible to obtain written clearances from the speaker or performer if any audio or visual recording of the presentation is to take place; such clearance shall be deposited with and maintained by the Director of Recreation and Campus Activities. See Exhibit II for suggested format. [Order 74-2, § 174-136-018, filed 5/24/74.]

WAC 174-136-019 Activities for commercial purposes. (1) The term "commercial purposes" means the exchange, sale, or purchase of goods, productions, or property of any kind or personal services or entertainment, and/or solicitation, advertising, or other promotion of such exchange, sale, or purchase, when as a result of such activities, profit accrues to one or more individuals or companies, whether or not such individuals or companies are constituted entirely of members of the Evergreen student body, faculty and/or staff. The term "for profit" shall mean monetary gain as an intent of the activity whether or not the activity is in fact profitable.

(2) Charges for use of facilities for commercial purposes shall be made at the scheduled rates except in the following cases:

(a) Commercial activities to support instructional programs (e.g., bake sales).

(b) Commercial activities by recognized campus activities groups (e.g., the Arts Cooperative).

(c) Commercial activities by the regular campus food service.

(d) Commercial activities by the College Bookstore.

(e) Commercial activities by publishers and manufacturers who bring to the attention of faculty, staff and students books, equipment and facilities which aid and abet the instructional, research, public service or operational programs of the college.

(3) Application for the use of campus facilities for commercial purposes is made with the Director of Auxiliary Services. In addition to the satisfaction of any requirements imposed for advanced deposit, bond, and/or insurance, and the indemnification of the college against loss, damage, and/or claims, the application shall include:

(a) Statement of goals and objectives.

(b) Justification statement demonstrating the necessity for the venture on campus and an assessment of needs.

(c) An inventory of legal requirements (including tax obligations) to be met and evidence of the individual's or organization's ability to comply with them.

(d) A pro forma balance sheet and profit and loss statement with supporting detail for revenue and expense. Projections should cover the next two fiscal years. [Order 74-2, § 174-136-019, filed 5/24/74.]

WAC 174-136-02001 Revenues. All revenues which accrue to the college from charges for use of facilities and for college services shall be paid to The Evergreen State College for deposit by the Cashier in the respective fund or account for which the revenues are earned. [Order 74-2, § 174-136-02001, filed 5/24/74.]

WAC 174-136-021 Conferences and conventions. The college shall offer facilities and services for conferences and conventions when the campus atmosphere is particularly appropriate or when demands for facilities and services exceed the demands of local private enterprise, but shall never place itself in a position of direct competition with Olympia-Lacey-Tumwater businessmen. [Order 74-2, § 174-136-021, filed 5/24/74.]

WAC 174-136-022 Penalties for violations of commercial activities regulations. Persons other than Evergreen students, faculty and staff who violate WAC 174-136-011(3) may be referred to civil authorities for appropriate prosecutions, including violations of the law of criminal trespass. [Order 74-2, § 174-136-022, filed 5/24/74.]

WAC 174-136-040 Habitating in unauthorized places—Prohibition. In the interest of health and safety and to preserve campus ecosystems, The Evergreen State College expressly prohibits overnight habitation by any person in any place on the campus, including its buildings, except that this prohibition shall not apply to:

(1) the facilities provided for such specific purpose by the college housing operation;

(2) the fire station, and the permanent domiciles located on the college's "organic farm", on the extension of Indian Rock Road, and on the leased property at the Nisqually River delta;

(3) individuals for whom the prohibition is waived by a Vice President or his/her designee for fixed temporal periods and at fixed locations. [Order 76-1, § 174-136-040, filed 2/11/76.]

WAC 174-136-042 Habitating in unauthorized places—Penalties for violation. Any person who violates WAC 174-136-040 may be referred to civil authorities for appropriate prosecution, including prosecution for violation of the law of criminal trespass. [Order 76-1, § 174-136-042, filed 2/11/76.]

THE EVERGREEN STATE COLLEGE LIBRARY CIRCULATION POLICY (FACILITIES PLANNING AND UTILIZATION POLICY)

WAC 174-136-060 Access and use of library resources. (1) Any person has access to the public areas of the library. Library resources may be borrowed by members of the Evergreen community with a valid Evergreen State College identification card, and by members of the local community who have suitable identification (e.g., driver's license). [Order 72-2, § 174-136-060, filed 6/16/72.]

WAC 174-136-070 Priority. (1) The first priority for use of library resources is for Coordinated and Contracted Studies and other evaluated learning experiences. [Order 72-2, § 174-136-070, filed 6/16/72.]

WAC 174-136-080 Loan periods. (1) General use library resources (print and nonprint). (a) Users set their own due date not to exceed one quarter. Requests for extended loan periods should be cleared through the Head of Circulation. Renewals should be requested before due date. (b) Users are guaranteed the use of the material for one week, after which it may be recalled to meet the needs of another user. Failure to respond to library recall occasioned by another user's request within 48 hours will require that the library assess a service

charge of up to \$5.00 to cover the cost of recovery. Materials not returned within seven days of recall due date will be presumed lost and their replacement value charged to the borrower.

(2) Limited use library resources. (a) Limited use library resources (e.g., video tapes) will only be loaned for specific periods. Because of high demand, materials not returned by the specified due date will be recalled. Failure to respond to library recall within 24 hours will require that the library assess a service charge of up to \$5.00 to cover the cost of recovery. Borrowers who fail to return the materials within 48 hours of recall will also be billed the replacement cost of the material. (b) Portable media loan equipment. (i) Loan equipment may be reserved if its use is related directly to Coordinated or Contracted Studies or other evaluated learning experiences. By advance reservation, some items required can be loaned for an extended period of time. Loan equipment for other uses will be on an "as available" basis. In all instances, the user will be asked to specify a return date so other requests and reservations can be honored. (ii) Charges will be made to users outside The Evergreen College community and to funded workshops, seminars, conferences or self-sustaining programs. Charges will be consistent with current commercial rates. (iii) As use patterns develop, it may become necessary to limit the loan period for a piece of equipment. Such limited loan periods will be established by the equipment dispatcher and the Associate Dean of Library Services as required. (c) Slides are checked out for showings only. Slides requested for continuing use should be duplicated. (d) 16mm films will be checked out for showings only and may be held a maximum of three days. (e) Other library resources, such as the following, will circulate by special arrangement with the Head of Circulation or appropriate budget unit head and are subject to recall and replacement charges. (i) archives, (ii) current and microfilmed periodicals, (iii) electronic test equipment, (iv) maps, (v) media production equipment, (vi) non-print master materials, (vii) rare materials, (viii) reference materials, (ix) set and model shop tools and (x) special collections.

(3) Borrowers who repeatedly ignore the rights of other borrowers, and who abuse the responsibilities inherent in sharing library resources with the rest of the Evergreen Community, shall be denied the privilege of borrowing those resources for the remainder of the quarter. [Order 72-2, § 174-136-080, filed 6/16/72.]

WAC 174-136-090 Lost and damaged library resources. (1) The borrower is responsible for loss.

(2) The borrower is responsible for damage.

(3) The borrower is responsible for the proper operation of media loan equipment.

(4) If the borrower does not wish to assume the full financial responsibility for library resources, the college will offer optional damage insurance. For details, consult the main circulation desk or the media distribution center.

(5) Lost resources should be reported. It is the borrower's responsibility to pay for lost resources before the end of the quarter. The cost of lost resources shall be

their replacement value. [Order 72-2, § 174-136-090, filed 6/16/72.]

WAC 174-136-100 Reserve. (1) Materials on reserve will be found at the circulation desk. Reserve loan periods are established by the type of material and by the number of users who will need it. [Order 72-2, § 174-136-100, filed 6/16/72.]

WAC 174-136-110 Charging out library resources. (1) Resources are charged out at the main circulation desk, at the media distribution center, and at other appropriate locations in the library. [Order 72-2, § 174-136-110, filed 6/16/72.]

WAC 174-136-120 Interlibrary loan. (1) The library will attempt to obtain resources from wherever available. Interlibrary loan services are maintained by the reference services. [Order 72-2, § 174-136-120, filed 6/16/72.]

SMOKING REGULATIONS

WAC 174-136-160 When smoking is permitted. Smoking is permitted in. (1) Offices (at discretion of assigned occupants).

(2) Lounges.

(3) Public lavatories.

(4) Designated corridors.

(5) Classrooms at the option of the occupants. (Housekeeping is the responsibility of the smoker.)

Plant Operations will furnish and service ash trays in smoking areas, except offices and classrooms. Assigned occupants of offices will furnish and service ash trays therein, when they allow smoking. [Order 72-8, § 174-136-160, filed 10/27/72.]

WAC 174-136-170 When smoking is not permitted. Smoking is not permitted in. (1) Carpeted areas unless specifically designated otherwise.

(2) Laboratories and Library reading rooms.

(3) Auditoriums.

(4) Storerooms.

(5) Meeting rooms (at the option of the group).

(6) Barns and sheds.

(7) Other fire-hazard areas as indicated by the Safety Section.

The obligation of compliance with smoking regulations is the responsibility of the individual in charge, enforced by campus security. Where special privileges are desired, they are to be cleared by the responsible individual with Plant Operations prior to the event. [Order 72-8, § 174-136-170, filed 10/27/72.]

ON-CAMPUS EMPLOYER INTERVIEWS AND RECRUITING

WAC 174-136-210 Policy. The college policy of open recruiting on campus provides that each employer seeking to recruit on campus attest to his compliance with federal and state laws against discrimination and with the principles of the College Placement Council by means of an affidavit to be submitted with his request to

recruit on campus. [Order 72-9, § 174-136-210, filed 10/27/72.]

WAC 174-136-220 Hearing Board. A Hearing Board exists to hear cases in which employers have been accused of failure to comply with these laws and principles. The Board is selected at the beginning of each year. It is comprised of the Directors of Cooperative Education, Financial Aid and Placement, and Counseling Services, and three students from the Community Services List. An accusation of failure to comply may be made by any member of the Evergreen community. If the Board determines that there may be grounds for such accusation, a hearing will be called during which the employer would be given the opportunity to present his side of the case. If, as a result of the hearing, the employer is found to be in violation of his agreement, the Board may suspend his right to recruit on campus and set the period of that suspension. [Order 72-9, § 174-136-220, filed 10/27/72.]

WAC 174-136-230 Discrimination. The college will not discriminate among recruiting agencies. [Order 72-9, § 174-136-230, filed 10/27/72.]

WAC 174-136-240 Protests. Legitimate protests against recruiting agencies are protected; in this regard, however, the attention of the college community is drawn to the statements in the Social Contract which are germane to on-campus recruiting, particularly the sections on "The Conditions of Learning" and "Institutional Rights and Obligations" (WAC 174-124-040 and 174-124-050). [Order 72-9, § 174-136-240, filed 10/27/72.]

WAC 174-136-250 Requests from employers. The Office of Financial Aid and Placement and the Office of Cooperative Education will receive requests from employers for on-campus recruiting and these two offices will coordinate scheduling and other recruiting details. [Order 72-9, § 174-136-250, filed 10/27/72.]

Chapter 174-140 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

WAC

174-140-180	Introduction.
174-140-190	Consultation with environmental advisory committee.
174-140-200	State Environmental Policy Act compliance.
174-140-210	State Environmental Policy Act "responsible official."
174-140-220	Information center and register distribution.
174-140-230	Publication of notice of action.
174-140-240	Emergency procedures.

WAC 174-140-180 Introduction. When the Office of Facilities or another unit on campus begins to consider taking an action which might affect the environment (e.g., revising the master plan, constructing a new building or recreation facility, adding to an existing facility, landscaping, utilities modification or installation, or adopting or revising grounds maintenance policies), the

College shall follow the steps outlined in WAC 174-140-180 through 174-140-240. [Order 76-6, § 174-140-180, filed 12/20/76.]

WAC 174-140-190 Consultation with environmental advisory committee. When the proposal's scope has been defined but otherwise early in the planning stages and before any commitments are made, the "responsible official," as provided for in WAC 174-140-210, shall have those persons planning the project describe it to the environmental advisory committee provided for in EAC 174-164-060. That committee will review the proposal, may suggest changes or alternatives, and shall advise the responsible official on the steps required by chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-10 WAC, SEPA Guidelines. The committee shall also be consulted during the preparation of any documents required by the above regulations, e.g., draft and final environmental impact statements (EIS), environmental checklist, and declaration of significance/non-significance. [Order 76-6, § 174-140-190, filed 12/20/76.]

WAC 174-140-200 State Environmental Policy Act compliance. It is the policy of The Evergreen State College that capital projects proposed to be developed by the college and other similar type activities shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. [Order 76-3, § 174-140-200, filed 7/22/76.]

WAC 174-140-210 State Environmental Policy Act "responsible official." In compliance with chapter 197-10 WAC, the president of The Evergreen State College or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy. [Order 76-3, § 174-140-210, filed 7/22/76.]

WAC 174-140-220 Information center and register distribution. The SEPA public information center required by chapter 197-10 WAC, shall be maintained in the Office of Facilities of The Evergreen State College. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-830(4) to the Sounding Board, the Information Center, the *Cooper Point Journal*, the Office of College Relations, members of the environmental advisory committee, and all other individuals and organizations that request them. [Order 76-6, § 174-140-220, filed 12/20/76.]

WAC 174-140-230 Publication of notice of action. Any action, as defined in WAC 197-10-040, undertaken by The Evergreen State College, shall be publicized as prescribed in RCW 43.21C.080. Notices published under this provision shall also be published in the *Cooper Point Journal*. [Order 76-6, § 174-140-230, filed 12/20/76.]

WAC 174-140-240 Emergency procedures. If an emergency action is to be undertaken as described in WAC 197-10-180, the person responsible for the action shall, if at all possible, consult with the chairman of the environmental advisory committee in advance when calling a meeting of the full committee does not appear to be practicable. The chairman may recommend proceeding with the action, recommend alternatives, or recommend delay, pending a meeting of the full committee. [Order 76-6, § 174-140-240, filed 12/20/76.]

**Chapter 174-148 WAC
EQUAL OPPORTUNITY POLICY AND
PROCEDURES—AFFIRMATIVE ACTION
PROGRAM**

WAC

174-148-010	General.
174-148-015	Policy and program dissemination.
174-148-030	Additional communication of policy and program.
174-148-040	Responsibility for implementation.
174-148-050	Monitoring and auditing.
174-148-060	Practices problem areas identification.
174-148-070	Utilization analysis.
174-148-080	Goals and timetables.
174-148-085	Pregnancy and maternity leave.
174-148-090	Grievance procedure.
174-148-100	Incorporation by reference.
174-148-110	Legal basis.
174-148-120	Definitions.

Reviser's note: Chapter 174-12 WAC [Order 174-12, filed 11/5/72] and chapter 174-148 WAC [Order 72-10, filed 10/27/72] are both entitled "Equal Opportunity Policy and Procedures—Affirmative Action Program" and are set forth herein as filed.

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

174-148-020	Legal basis. [Order 72-10, § 174-148-020, filed 10/27/72.] Repealed by Order 75-3, filed 8/12/75. See WAC 174-148-110, Order 74-1, filed 5/17/74.
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WAC 174-148-010 General. The Equal Opportunity Policy of The Evergreen State College requires that its faculty, administration, staff, students, and persons who develop programs at the college; and all contractors, individuals and organizations who do business with the college; comply with the letter and spirit of all federal, state, and local equal employment opportunity statutes and regulations.

The college expressly prohibits discrimination against any person on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification. This policy requires recruiting, hiring, training, and promoting persons in all job categories without regard to race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification. All decisions on employment and promotion must utilize only valid job-related requirements.

The college requires: that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, college sponsored training, education, tuition assistance, social and recreation programs; and that all

student recruiting and admissions, student services (such as financial aid, placement, counseling, housing, student activities, physical recreation), and facilities usage, be administered without discrimination based on race, sex, age, religion, national origin, marital status (except for assignment in college housing facilities consistent with chapter 145, Laws of 1975 1st ex. sess.) or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification.

The Evergreen State College is committed to an affirmative action program—a goal-oriented program through which it makes specific additional efforts to recruit, hire, train, and promote non-whites and women; and to recruit, admit, and educate non-white and women students. The affirmative action program is designed to overcome and prevent the effects of systemic institutional discrimination and benign neutrality in employment and educational practices. The college will take affirmative action to solicit bids on goods and services contracts from non-white and women vendors and contractors.

The college's affirmative action office has responsibility for preparing the college's affirmative action program, including procedures for reporting and monitoring.

Each employee's support and implementation of this policy will be evaluated during employee performance evaluations. [Order 75-6, § 174-148-010, filed 11/5/75; Order 75-3, § 174-148-010, filed 8/12/75; Order 74-1, § 174-148-010, filed 5/17/74; Order 72-10, § 174-148-010, filed 10/27/72.]

WAC 174-148-015 Policy and program dissemination.

(1) The purpose of this section is to ensure that anyone who needs or wants to know about the college's Equal Opportunity Policy and/or Affirmative Action Program receives appropriate information.

(2) Appropriate college offices will deliver a copy of WAC 174-148-010 to each person connected with the college in one or more of the following categories:

- (a) Employee.
- (b) Student.
- (c) Contractor or vendor from whom the college purchases goods and services.
- (d) Recruiting sources.
- (e) Agency, organization or business establishments with which the college has internship agreements or relationships.
- (f) Applicant for employment at or student admission to The Evergreen State College.
- (g) Off campus persons or groups who schedule the use of college facilities for conventions, seminars, conferences or other group activities.

(3) Appropriate college offices will ensure publication of the Equal Opportunity Policy and Affirmative Action Program in the "Evergreen Administrative Code," the catalog, the "Faculty Handbook," and, at least once annually, the "Newsletter."

(4) Appropriate college offices will request at least annual publication of the Equal Opportunity Policy and

Affirmative Action Program in the "Cooper Point Journal" and at least annual airing of the policy and program on radio station KAOS.

(5) College admissions recruiters will inform potential applicants about the policy and plan when visiting high schools and community colleges.

(6) Each college committee or task force which deals with issues affecting personnel actions or student welfare will review the policy and plan as they relate to performance of its charge.

(7) Appropriate college offices will inform students, faculty and staff members regarding the policy and program at every orientation session.

(8) Federal equal opportunity posters and copies of WAC 174-148-010 will be displayed continuously on all major campus bulletin boards.

(9) Appropriate college offices will deliver a copy of WAC 174-148-010 through 174-148-120 to each of the following at the time of adoption and upon his/her/its appointment, creation, or request:

- (a) Members of the Board of Trustees.
- (b) Budgetary unit heads.
- (c) Campus organizations.
- (d) Employee organizations.
- (e) Other persons.

[Order 75-3, § 174-148-015, filed 8/12/75.]

WAC 174-148-030 Additional communication of policy and program. (1) The purpose of this section is to ensure the inclusion of appropriate statements regarding the college's Equal Opportunity Policy and Affirmative Action Program in collective bargaining agreements, orders, leases, contracts, and goal statements.

(2) In addition to the provisions for dissemination contained in WAC 174-148-020:

(a) College management representatives to employee organization contract negotiation will insure that any collective bargaining agreement covering members of the college faculty and/or staff provide for equal employment opportunity and include non-discriminatory clauses.

(b) The college will incorporate the equal opportunity clause contained in Executive Order 11246 (subpart B, contractor agreement, section 202), in whole or by reference, in all purchase orders, leases, contracts, and other agreements for the securing of goods and services issued by the college.

(c) The college administration will incorporate appropriate equal opportunity provisions in all its goal statements. [Order 74-1, § 174-148-030, filed 5/17/74; Order 72-10, § 174-148-030, filed 10/27/72.]

WAC 174-148-040 Responsibility for implementation. (1) The purpose of this section is to assign responsibilities for carrying out certain activities under the college's Equal Opportunity Policy and Affirmative Action Plan to respective employees of the college.

(2) The president of The Evergreen State College is responsible for the implementation of the Equal Opportunity Policy and Affirmative Action Program, and reporting achievements thereunder to the Board of

Trustees. The president delegates specific authority and responsibility as follows:

(a) The affirmative action officer is responsible to the president for interpretation of, over view of, monitoring, insuring compliance with, and developing the policy and programs. He/she shall design and implement audit and reporting systems to measure effectiveness of the policy and program and degree of goal achievement; prepare and submit reports to appropriate state and federal agencies; annually analyze affirmative action efforts and make recommendations to the president; keep the president and others informed regarding latest affirmative action developments; work with unit heads and their staffs to identify affirmative action problems and problem areas, and to develop solutions; serve, regarding matters of equal opportunity and affirmative action, as primary liaison between the college and non-white and women's groups, and others concerned with affirmative action; receive discrimination complaints; investigate complaints and participate in discrimination complaint and grievance resolution; establish and periodically audit training programs for upward mobility of non-whites and women; serve as a campus resource specialist on affirmative action and equal opportunity; conduct forums, discussions, and other educational activities to increase college awareness of the intent and purpose of affirmative action; and insure that all contractors with the college are equal opportunity employers.

(b) Each vice president, dean and director is responsible for filling job vacancies only from respective non-discriminatory applicant pools; working with the affirmative action officer continually to identify affirmative action problems in his/her respective unit and develop solutions for them; implementing affirmative action to achieve each goal for which he/she is responsible as outlined in the policy and plan; periodically (at least annually) reviewing the affirmative action program with his/her staff to assure their understanding of its intent and their role in its implementation; insuring that all services and opportunities provided by his/her unit are provided without discrimination based on race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification; evaluating the equal opportunity and affirmative action effort and participation of each person he/she supervises during the performance evaluations; and insuring that all existing and new policies and procedures conform to equal opportunity principles.

(i) In filling job vacancies by any means including promotion, the process to be used for recruiting and screening must be approved in writing by the affirmative action officer before said process can be initiated. This approval does not apply to positions covered by Higher Education Personnel Board regulations.

(ii) In the process for recruiting and screening exempt administrators, the appointing officer will confer with the affirmative action officer, and the affirmative action officer will assist the appointing officer by identifying possible sources of applicants towards maximizing the obtaining of an applicant pool proportionate to the pool of available women and non-whites within the market

force by job category (e.g., if the job search is restricted to particular boundaries, the pool of available women and non-whites in the market work force by job category within that boundary would be the referent). The affirmative action officer shall review the applicant pool; if the pool is determined to be discriminatory, the affirmative action officer may require additional recruiting efforts, including extending the position's advertising for a period not exceeding 60 days.

(iii) Prior to proceeding to the final selection from the candidate pool, the appointing official will certify that the criteria used for selection of those in the final candidate pool are those described in the recruitment and selection plan as approved by the affirmative action officer. The affirmative action officer may at this point advise, in writing, the appointing official of any concerns he/she may have with the final candidate pool.

(iv) If the appointing official establishes a group (e.g., DTF, consultative pool, etc.) to assist in recruiting and screening, he/she will take responsibility for insuring representation by women and non-whites employed or enrolled in the college.

(c) In addition to the responsibilities of vice presidents, deans and directors set out in WAC 174-148-040(2)(b), the following specific duties under the policy and plan are assigned:

(i) The director of college relations shall insure, that all official college publications and audio-visual presentations he/she produces which contain a number of photographs of college people, include pictures of non-whites and women. The director of college relations also will work in cooperation with other budgetary units to insure that all official college publications and audio-visual presentations they produce, which contain a number of photographs of college people, include pictures of non-whites and women.

(ii) The dean of library services, in cooperation with appropriate persons, groups, and budgetary units, shall use library resources including the collection, facilities, exhibits, etc., to help create a positive campus-wide, multi-ethnic awareness and an awareness regarding the roles of women in society.

(iii) The director of cooperative education shall insure that persons, organizations, or businesses with whom the college establishes internship agreements, do not discriminate against students on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification.

(iv) The academic deans shall insure that curriculum planning, teaching assignment and resource allocation conform to equal opportunity and affirmative action principles. In order to respond to the enrollment goal of 25% non-white students, the college must: offer work in all of its modes that will help non-white students develop academic skills; offer regular work in contracts and coordinated studies that will be first rate studies of non-white cultures; recognize its obligation to the non-white communities it serves by providing leadership and resources in continuing action programs that directly address the expressed needs of those communities.

(v) Academic deans and the faculty shall insure that students are not discriminated against in academic matters and evaluation on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap.

(vi) The director of admissions shall deploy human and other resources at his/her disposal to insure the taking of affirmative action to recruit and admit non-whites and women to meet student enrollment goals.

(vii) The business manager, the director of facilities, and other unit heads involved, shall implement affirmative action when soliciting bids on all contracts for facilities, goods, and services by active solicitation of, and encouragement of bids by, non-white and women vendors and contractors.

(viii) The business manager, the director of facilities and other unit heads involved, shall insure that each contractor doing business with the college is an equal opportunity employer and may require the submission of substantiating evidence (e.g., written policy and personnel profiles), satisfactory to the college's affirmative action officer, with contract bids, excepting contracts awarded by Division of Engineering and Architecture (DEA).

(ix) The director of computer services, in cooperation with appropriate unit heads, shall work towards computerizing, where practical, the processing of all data needed to monitor effectively the college's affirmative action efforts. [Order 75-6, § 174-148-040, filed 11/5/75; Order 74-1, § 174-148-040, filed 5/17/74; Order 72-10, § 174-148-040, filed 10/27/72.]

WAC 174-148-050 Monitoring and auditing. (1)

The purpose of this section is to provide for the affirmative action officer's monitoring and auditing the following in order to assess results, determine deficiencies, and recommend appropriate actions: staff and faculty recruitment, selection, and other personnel actions; student recruitment, admissions, and services; progress toward established numerical goals; progress toward correcting practices; efforts to attract non-white and women vendors and contractors; compliance of contractors and vendors; and complaints of discrimination.

(2) The affirmative action officer, in his/her monitoring of the implementation and progress of the Equal Opportunity Policy and Affirmative Action Program, will review and analyze information in reports from vice presidents, deans, and directors, unit heads, students, and other campus groups as required in this section WAC 174-148-050 or as otherwise submitted to him/her. The affirmative action officer will determine if adequate results are being achieved to reach affirmative action goals, identify areas needing additional effort and improvement, and recommend in writing courses of action to the appropriate person to implement required improvements.

Monitoring reports will be submitted to the affirmative action officer at the times specified by this section by the following persons:

(a) Director of Personnel: Quarterly reports regarding applications received, number of persons tested, number of persons certified for vacancies, number of persons

hired, number of persons promoted, number of persons transferred, number of persons terminated, starting salaries of new employees and employee turnover rates, all by race and sex.

(b) Director of Admissions: Quarterly reports regarding the flow of applications from prospective students, the current status of those applications, and the number of students admitted, all by race and sex.

(c) Director of Career Planning and Placement: Annual reports regarding placement of Evergreen graduates by race, sex and type of position secured.

(d) Director of Financial Aid: Quarterly reports regarding financial aid awards by race, sex and dollar amounts.

(e) Director of Facilities: The director will submit a quarterly report stating which public works contracts under \$2500 were opened for bid by that office and show for each bid opening, the names of contractors or contractor organizations from which bids were solicited. All other contracts are opened for bid by the Department of General Administration, Division of Engineering and Architecture (DEA). The college is not its own contracting agency. DEA is the contracting agency for all public works contracts and monitors the affirmative action compliance of all public works contractors at the college.

(f) Director of Housing: Quarterly reports showing the number of students by race and sex, in on-campus housing and any other housing contracted by the college.

(g) Director of Recreation and Campus Activities: Quarterly reports showing the number of students by race and sex, registering to participate in college sponsored recreational activities.

(h) Each Personnel Appointing Authority and/or the Director of Personnel, upon completion of the recruitment and screening process in filling a job vacancy will submit to the affirmative action officer a statistical summary of the process. The affirmative action office will develop a form to be used for this purpose.

(i) Each Vice President: Quarterly reports reflecting his/her progress in achieving the affirmative action goals for which responsible.

(j) Director of College Relations: Prior to publication a copy of each official college publication and each audio-visual presentation for which he/she is responsible for producing and which are primarily intended for representation of the college to off-campus public. This requirement shall also pertain to any other persons producing official college publications and/or audio-visual presentations primarily intended for representing the college to off-campus public.

(k) Director of Cooperative Education: Quarterly reports showing number of students, student placement, type of internships, and field experience education by race and sex. [Order 75-6, § 174-148-050, filed 11/5/75; Order 74-1, § 174-148-050, filed 5/17/74; Order 72-10, § 174-148-050, filed 10/27/72.]

WAC 174-148-060 Practices problem areas identification. (1) The purpose of this section is to provide for the identification of practices which do or can serve as barriers to equal opportunity and affirmative action.

(2) In addition to any other duties prescribed in the Equal Opportunity Policy and Affirmative Action Program for the Affirmative Action Officer, he/she shall periodically (at least annually) identify and prepare a report on current or potential practices problems areas which do or can serve as barriers to equal opportunity and affirmative action. The most current of such reports shall be printed for dissemination within the college as provided in WAC 174-148-020(9) and to appropriate state and federal agencies as Appendix I to this policy and plan. [Order 74-1, § 174-148-060, filed 5/17/74; Order 72-10, § 174-148-060, filed 10/27/72.]

WAC 174-148-070 Utilization analysis. (1) The purpose of this section is to provide for the identification of affirmative action deficiencies in the college's student enrollment and staffing patterns.

(2) In addition to any other duties prescribed in the Equal Opportunity Policy and Affirmative Action Program for the Affirmative Action Officer, he/she shall periodically (at least annually) develop and publish an analysis of personnel utilization which shall include:

(a) A report on: non-white population in the labor area surrounding the college, percent of unemployment among such non-white labor force, percent of non-white work force to total work force in the immediate labor area, general availability of non-whites having requisite skills in immediate labor area, by category listed in WAC 174-148-070(2), general availability of non-whites with requisite skills in reasonable recruitment areas, availability of promotable or transferable non-whites within college's work force, existence of training institutions capable of providing requisite skills to non-whites, degree of training which the college is capable of providing to non-whites, percent of women unemployed in surrounding labor area, ratio of women in work force to total work force in immediate labor area, general availability of women with requisite skills in immediate labor area by category listed in WAC 174-148-070(2), general availability of women with requisite skills in reasonable recruitment area, availability of women seeking employment in the labor or recruitment area, availability of promotable and transferable women within the college's work force, existence of training institutions capable of providing requisite skills to women, and degree of training which the college is capable of providing to women.

(b) An analysis of under-utilization of non-white and women in the college's work force by race and sex, by organizational unit, and by race and sex by those job categories listed in WAC 174-148-070(2).

For measuring personnel utilization, personnel of the college shall be categorized as: faculty, academic deans, officials and managers, professionals, technicians, office and clerical workers, crafts, operatives, and service workers.

(3) The most current of the utilization analyses required in WAC 174-148-070(2) shall be printed for dissemination within the college as provided in WAC 174-148-020(9) and to appropriate state and federal agencies as Appendix II to this policy and plan. [Order 74-1, § 174-148-070, filed 5/17/74.]

WAC 174-148-080 Goals and timetables. (1) The purpose of this section is to establish goals and time tables to ensure that the college operates toward attaining and/or maintaining an appropriate representation of non-white and women students, and, by job category and organizational unit, appropriate representation of non-white and women faculty and staff members, in order to develop a richly mixed, multi-ethnic student body, faculty, and staff.

(2) The college commits itself to the following student enrollment target dates and goals:

(a) For non-white students, as a percent of the total student population: By October 1974, 11 percent; By October 1975, 13 percent; By October 1976, 15 percent; By October 1977, 17 percent; By October 1978, 19 percent; By October 1979, 20 percent; By October 1980, 21 percent; By October 1981, 22 percent; By October 1982, 23 percent; By October 1983, 24 percent; By October 1984, 25 percent.

(b) For women students, 50 percent of the total student population by October 1974.

(3) Numerical goals for faculty and academic Deans employment. The absence of nation-wide availability data on faculty and persons working in the various academic disciplines makes it impossible, at this point, for the college to do an adequate utilization analysis of its faculty. After two years or when specific nation-wide data is available, whichever is sooner, the college will review its goals, its ability to achieve them, and modify them at that time. The faculty goals, though not based on specific availability data, represent the direction in which the college wishes to move and believes to be attainable within the next ten years. These goals reflect an assumption that the faculty will increase in size to approximately 235 persons during the next ten years. Any change in this anticipated growth rate will affect the ability of the college to achieve its faculty employment goals.

The college commits itself to the following faculty and academic deans employment goals (all numerical goals are listed as a percent of the total for each category):

(a) For non-white faculty members, from 15.8 percent to: By October 1974, 17 percent; By October 1975, 18 percent; By October 1976, 19 percent; By October 1977, 20 percent; By October 1978, 21 percent; By October 1979, 22 percent; By October 1980, 23 percent; By October 1981, 24 percent; By October 1982, 25 percent.

(b) For women faculty members, from 25.4 percent to: By October 1974, 27 percent; By October 1975, 30 percent; By October 1976, 33 percent; By October 1977, 36 percent; By October 1978, 38 percent; By October 1979, 40 percent; By October 1980, 42 percent; By October 1981, 44 percent; By October 1982, 46 percent; By October 1983, 48 percent; By October 1984, 50 percent.

(4) Numerical goals for staff employment. Six other areas of college-wide under-utilization of non-whites and women were identified by the utilization analysis. The college must move immediately to eliminate this under-utilization by hiring non-whites and women to fill future openings. The college requires the directors and managers who appoint persons in the job categories of under-utilization to actively recruit and appoint non-

whites and women. The college commits itself to eliminate this under-utilization during the time periods indicated.

(5) In addition to eliminating areas of under-utilization, the college is committed to developing a richly mixed, multi-ethnic staff to complement the faculty and student body.

The college commits itself to the following staff target goals, by job category:

(a) Officials and managers:

(i) For non-whites, from 14.3 percent to: By October 1974, 15 percent.

(ii) For women, from 17.1 percent to: By October 1974, 18 percent; By October 1975, 20 percent; By October 1976, 22 percent; By October 1977, 24 percent; By October 1978, 27 percent; By October 1979, 30 percent; By October 1980, 33 percent; By October 1981, 36 percent; By October 1982, 39 percent; By October 1983, 42 percent; By October 1984, 45 percent.

(b) Professionals:

(i) For non-whites, from 8.3 percent to: By October 1974, 9 percent; By October 1975, 10 percent; By October 1976, 11 percent; By October 1977, 12 percent; By October 1978, 13 percent; By October 1979, 14 percent; By October 1980, 15 percent.

(ii) For women, from 36.1 percent to: By October 1974, 37 percent; By October 1975, 38 percent; By October 1976, 39 percent; By October 1977, 40 percent; By October 1978, 41 percent; By October 1979, 42 percent; By October 1980, 43 percent; By October 1981, 44 percent; By October 1982, 45 percent.

(c) Technicians:

(i) For non-whites, from 6.7 percent to: By October 1974, 7 percent; By October 1975, 8 percent; By October 1976, 9 percent; By October 1977, 10 percent; By October 1978, 11 percent; By October 1979, 12 percent; By October 1980, 13 percent; By October 1981, 14 percent; By October 1982, 15 percent.

(ii) For women, from 13.3 percent to: By October 1974, 14 percent; By October 1975, 17 percent; By October 1976, 20 percent; By October 1977, 23 percent; By October 1978, 26 percent; By October 1979, 29 percent; By October 1980, 32 percent; By October 1981, 35 percent; By October 1982, 38 percent; By October 1983, 41 percent; By October 1984, 45 percent.

(d) Office and clerical workers:

(i) For non-whites, from 10.8 percent to: By October 1974, 11 percent; By October 1975, 12 percent; By October 1976, 13 percent; By October 1977, 14 percent; By October 1978, 15 percent.

(ii) For women, the goal (45 percent) has been attained as of this date. As turnover occurs a goal of 45 percent shall be maintained.

(e) Crafts:

(i) For non-whites, from "0" percent to: By October 1974, 2 percent; By October 1975, 4 percent; By October 1976, 6 percent; By October 1977, 8 percent; By October 1978, 9 percent; By October 1979, 10 percent; By October 1980, 11 percent; By October 1981, 12 percent; By October 1982, 13 percent; By October 1983, 14 percent; By October 1984, 15 percent.

(ii) For women, from "0" percent to: By October 1974, 5 percent; By October 1975, 7 percent; By October 1976, 9 percent; By October 1977, 11 percent; By October 1978, 13 percent; By October 1979, 15 percent; By October 1980, 17 percent; By October 1981, 19 percent; By October 1982, 21 percent; By October 1983, 23 percent; By October 1984, 25 percent.

(f) Operatives:

(i) For non-whites, from 7.7 percent to: By October 1974, 8 percent; By October 1975, 9 percent; By October 1976, 10 percent; By October 1977, 11 percent; By October 1978, 12 percent; By October 1979, 13 percent; By October 1980, 14 percent; By October 1981, 15 percent.

(ii) For women, from "0" percent to: By October 1974, 4 percent; By October 1975, 8 percent; By October 1976, 12 percent; By October 1977, 16 percent; By October 1978, 20 percent; By October 1979, 24 percent; By October 1980, 28 percent; By October 1981, 32 percent; By October 1982, 36 percent; By October 1983, 40 percent; By October 1984, 45 percent.

(g) Service workers:

(i) For non-whites. The goal (By October 1974 - 15 percent) has been attained as of this date. As turnover occurs a goal of 15 percent shall be maintained.

(ii) For women, from 39.3 percent to: By October 1974, 40 percent; By October 1975, 41 percent; By October 1976, 42 percent; By October 1977, 43 percent; By October 1978, 44 percent; By October 1979, 45 percent.

(6) In addition to the staffing pattern goals by job category established in WAC 174-148-080(4), the college sets as a goal the achieving of staffing patterns which provide for at least 15 percent non-whites and 45 percent women in each organizational unit by October 1984.

(7) Although not in a position to set goals because of the non-availability of data, the college commits itself to a strong effort to incorporate more physically and mentally handicapped people into its work force.

(8) The goals established in subsections (3), (4), and (5) of WAC 174-148-080 represent minimums against which affirmative action efforts will be directed. The college commits itself to make all good faith efforts to achieve these goals.

The goals reflect assumptions of steady student body growth rate, normal attrition and retention, and regular availability of non-whites and women who have the necessary qualifications for positions in a college with a wide range of disciplines and high standards for excellence in its faculty and staff. [Order 74-1, § 174-148-080, filed 5/17/74.]

WAC 174-148-085 Pregnancy and maternity leave.

(1) General Policy. Childbearing is an expectable incident in the life of a woman. Practices such as terminating the employment of pregnant women without cause, refusing to grant leave or accrued sick pay for disabilities relating to pregnancy, or refusing to hire women for responsible jobs because they are, or may become, pregnant, impair the opportunity of women to obtain employment and to advance on the same basis as men. Such practices discriminate against women because of

their sex and are prohibited at The Evergreen State College.

(2) Purposes. Federal and State Law against discrimination in employment because of sex are intended to equalize employment opportunity for men and women. This policy defines how the law applies to practices which disadvantage women because of pregnancy or childbirth.

(3) Hiring Pregnant Women. Appointing authorities will not refuse to hire a woman because she is pregnant unless the pregnant condition of the individual woman currently prevents her from performing the job. The burden shall be on the employer to show that his decision not to hire a woman because of pregnancy was based on adequate facts concerning her individual ability to currently perform the job. It is an unfair practice to refuse to hire a woman applicant because she will be entitled to maternity leave, or because she may become entitled to maternity leave.

Arguments that may not be used to disqualify pregnant women or those who may become pregnant from employment include, but are not limited to:

(a) Pregnant women may not return to their former jobs after childbirth;

(b) time away from work required for childbirth may increase the College's cost;

(c) the leave period for childbirth may be unreasonably long;

(d) pregnant women may be frequently absent from work due to illness; and

(e) clients, co-workers, or customers may object to having pregnant women on the job.

(4) Condition of Employment for Pregnant Women. Appointing authorities may not penalize women in terms or conditions of employment, or in any way limit the job opportunities of a woman because she is pregnant or may require time away from work.

(5) Leave for Pregnancy. Appointing authorities must provide pregnant women leaves of absence for sickness or incapacity associated with pregnancy and for childbirth. Persons in positions covered by the Higher Education Personnel Board shall be subject to those rules relating to pregnancy and maternity leave (WAC 251-22-155).

Leaves of absence for pregnant women may include both paid and unpaid leave. Leaves of absence for maternity will commence upon the request of the employee and extend until the employee is physically able to return to work. In all instances in which an employee requests maternity leave, or asks that it be extended, the appointing authority may require the employee to provide a statement from a second physician of College's choice attesting to the need for, and duration of the leave. The College will bear the cost of such examination by a college-designated physician.

An employee is eligible to use earned sick leave credits during maternity leave. In those instances in which an employee's sick leave credits are exhausted prior to her return to work, the employee's status will automatically convert from sick leave to leave of absence without pay. Use of any accrued annual vacation leave shall be at the employee's discretion and is optional.

Employees returning from an authorized maternity leave of absence must be offered employment in the same position or in another position in the same class, in the same geographic area and organizational unit, with at least the same pay if the leave of absence was for the actual period of disability relating to pregnancy or childbirth.

(6) Leave Benefits for Pregnant Women. Illness or absence from work caused or contributed to by pregnancy, miscarriage, spontaneous, therapeutic or voluntary abortion, childbirth, and recovery therefrom are temporary disabilities and are treated as such under the College sick leave policies.

(7) Paternity/Child Care Leave for Fathers. Paternity leave for fathers for purposes relating to necessary care of the child or children or mother either before or due to pregnancy and childbirth should be considered grounds for leave and should be available to men on an equal basis.

(8) Marital Status as Related to Pregnancy. Discrimination against pregnant women because of marital status is prohibited. Discrimination against men because of marital status in regard to paternity is prohibited. The College's pregnancy and maternity leave policy applies equally to married and unmarried pregnant women. [Order 76-2, § 174-148-085, filed 3/2/76.]

WAC 174-148-090 Grievance procedure. (1) The purpose of this complaint procedure is to give any person or persons who have reason to believe they have been discriminated against on the basis of race, sex, age, religion, national origin, or physical disability, a right to obtain an impartial, objective review of the complaint by persons detached from the events or circumstances which resulted in the alleged discrimination, but knowledgeable about equal opportunity principles and the types of actions which are discriminatory.

(2) Persons who believe they have been discriminated against at Evergreen are encouraged to file their complaint with the Evergreen Director of Equal Opportunity/Affirmative Action to allow the college to resolve the complaint and correct the discriminatory condition voluntarily. Persons who believe that they have been discriminated against should remember that they may file a complaint simultaneously with the Washington State Human Rights Commission (WSHRC), the U.S. Equal Employment Opportunity Commission (EEOC), or the Office of Civil Rights (OCR). A person may file a charge of discrimination with EEOC, OCR, or WSHRC within a period of one hundred eighty days after the alleged discrimination. The sooner the charge is filed, however, the sooner a complaint can be resolved or remedied. Information about filing a charge of discrimination with either of the above agencies may be obtained directly from them or from the college Director of Equal Opportunity.

(3) The following procedure shall be employed for filing and handling discrimination complaints.

(a) A person or persons may file a written or verbal charge with the Affirmative Action Officer against the alleged discriminating party. The complaint should state

the date, place, and circumstances of the alleged unlawful practice and the desired remedy. NOTE: After a verbal report of the complaint, the charge should be put in writing for further handling.

(b) Upon receiving a written complaint, the Affirmative Action Officer will:

(i) Notify, within five calendar days, the person or persons against whom the charge was filed.

(ii) Conduct an informal investigation to determine if there has been unlawful discrimination on the basis of race, sex, age, religion, national origin, or physical disability.

(iii) Within 20 calendar days after notification to the person or persons against whom the charge was filed, the Affirmative Action Officer shall initially attempt to informally resolve the complaint. Should either party fail to agree to the resolution, then either may proceed under 3(c) herein to seek any other remedy.

(c) If the attempt to resolve the issue under WAC 174-148-090(4)(b) fails, either such student, faculty member, or staff member, or the person or persons who he/she believes so discriminated, may request a hearing before a campus hearing board as provided in the college's document entitled, "Governance and Decision-Making."

(4) When the grievance procedure in the college's document entitled "Governance and Decision Making" is initiated to handle a complaint of discrimination, the college must assure that the hearing board includes non-whites, women, and persons who are knowledgeable in equal opportunity, affirmative action, and types of discrimination and how they occur.

(5) Appeal beyond the Campus Hearing Board may be made by petition of either party to the Board of Trustees. The Board of Trustees may also, on its own motion, review any decisions of the Campus Hearing Board and affirm, modify, or reverse that decision. [Order 74-1, § 174-148-090, filed 5/17/74.]

Reviser's note: The reference in WAC 174-148-090(3)(c) to WAC 174-148-090(4)(b) probably refers to WAC 174-148-090(3)(c).

WAC 174-148-100 Incorporation by reference. The following policy statements from the "Evergreen Administrative Code" and "Washington Administration Code" are incorporated by reference in this Equal Opportunity Policy and Affirmative Action Program:

(1) WAC 251-22-115, Maternity Leaves.

(2) EAC 174-112-780 through 174-112-830, Professional Leaves.

(3) EAC 174-112-780 through 174-112-150, Employment of Relatives.

(4) WAC 251-108-010, Compensation Plans.

(5) EAC 174-112-550 through 174-112-640, Salary Guidelines for Members of the Faculty and for Certain Counselors and Librarians.

(6) EAC 174-112-650 through 174-112-740, Salary Guidelines for Other Exempt Administrators. [Order 74-1, § 174-148-100, filed 5/17/74.]

WAC 174-148-110 Legal basis. The policy and program is intended to comply with and pass beyond the

minimum requirements of the following applicable state and federal statutes, regulations, and directives:

(1) State of Washington, chapter 49.60 RCW, which prohibits discrimination based on age, race, creed, color, sex, or national origin.

(2) State of Washington, chapter 28B.16 RCW, the State Higher Education Personnel Law.

(3) State of Washington, Governor Evans' Executive Order of September, 1966, which sets forth policy of nondiscrimination in state employment and state contracts.

(4) Federal Civil Rights Acts of 1964 (Public Law 88-352), which prohibits discrimination based on sex, race, creed, color, or national origin.

(5) Presidential Executive Order 11246 issued September, 1965, which prohibits discrimination and includes contracts dealing with the states where federal funds are involved, and requires the contractor to take affirmative action to insure compliance.

(6) Presidential Executive Order 11375 issued September, 1967, amending Presidential Order 11246 to expressly prohibit discrimination on account of sex.

(7) State of Washington, Governor Evans' Executive Order of August, 1972, which requires each state agency to appoint an affirmative action officer and to establish affirmative action policies and procedures. [Order 74-1, § 174-148-110, filed 5/17/74.]

WAC 174-148-120 Definitions. (1) Non-Discrimination: Elimination and absence of all conditions, in policy or practice, whether purposeful or inadvertent, which discriminate on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap.

(2) Affirmative Action: Actions which do more than insure neutrality with regard to race, sex, age, religion, national origin, marital status or physical disability, and which involve additional efforts to recruit, employ, train, and promote qualified non-whites and women.

(3) Goals: Specific, projected levels of achievement to solve deficiencies in the recruitment, employment, training and promotion of qualified non-whites and women and in all other personnel actions.

(4) Promotion: A personnel action resulting in movement to a position of greater skill, effort or responsibility. Wage or salary increases do not determine a promotion.

(5) Non-Discriminatory Applicant Pool: A pool of applicants containing qualified persons from both sexes and all races, to fill the job for which the pool is established.

(6) Equal Opportunity Employer: An employer who assures that all recruiting, hiring, promotion, training, delivery of services and opportunities, and all other personnel actions are performed without regard to race, sex, age, religion, national origin, marital status, physical disability and use only job-related qualifications.

(7) Applicant: A person whose application is actively under consideration for a job vacancy for which he/she meets the minimum qualifications.

(8) Under-utilization: The situation in which the statistical representation of non-whites and women in the

college's work force in a job category is less than the statistical representation of non-whites or women in the labor force for that same job category.

(9) Job-related Criteria: Those pre-determined skills, knowledges and personal abilities which can be proved to be essential to successful performance on the job.

(10) Official and Manager: A college employee with any one of the following job classifications or position titles or as may be designated by the Higher Education Personnel Board: Administrative Vice President, Affirmative Action Officer, Assistant Director of Campus Activities, Assistant Chief Engineer, Assistant to the President, Associate Dean of Library Services, Associate Director of Recreation, Bookstore Manager, Bookstore Supervisor, Budget Officer, Business Manager, Campus Police Lieutenant, Chief Accountant, Chief Engineer, Coordinator of Career Planning and Placement, Coordinator of Counseling Services, Coordinator of Health Services, Custodial Services Manager, Dean of Library Services, Dean of Student Development Programs, Director of Admissions, Director of Computer Services, Director of Cooperative Education, Director of Development, Director of Facilities, Director of Financial Aid, Director of General Services, Director of Personnel/Auxiliary Services, Director of Public Information, Director of Recreation and Campus Activities, Facilities Engineering Supervisor B, Housing Manager, President, Registrar, Security Chief, Vice President and Provost.

(11) Professional: A college employee with any one of the following job classifications or position titles or as maybe designated by the HEP Board: Accountant I, II, and III, Accounting Supervisor, Administrative Assistant to the President, Administrative Assistant to the Vice President, Admissions Counselor, Associate Facilities Engineer, Buyer I, Career Counselor, Cooperative Education Counselor or Coordinator, Coordinator of Academic Information, Electronic Media Producer, Director of Third World Coalition, Financial Aid Counselor, Graphics Designer, Information Specialist, Learning Resource Specialist Supervisor, Media Engineer, Nurse Practitioner, Physician, Placement Counselor, Professional Counselor, Professional Librarian, Science Program Coordinator, Scientific Programmer, Senior Architect, Space Analyst, Systems Analyst, Veterans' Services Supervisor.

(12) Technician: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP Board: Broadcast Technician, Central Services Supervisor, Data Control Technician, Instructional Technician, Media Operator, Media Maintenance Technician, Media Technician, Photographer, Programmer, Electronics Technician, Computer Operations Supervisor.

(13) Office and Clerical: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP Board: Accounting Assistant, Accounting Technician, Administrative Secretary, Building Services Manager, Key Punch Operator, Library Technician, Statistical Typist, Mail Carrier, Media/Film Clerk, Office Assistant, Office Assistant-Typing, Office Supervisor, Personnel Assistant, Program

Assistant, Purchasing Assistant, Retail Clerk, Scientific Stores Attendant, Secretary, Stockroom Attendant.

(14) Crafts: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP Board: Steam Engineer.

(15) Operatives: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP Board: Duplicating Services Supervisor, Gardener, Grounds Supervisor, Maintenance Technician, Truck Driver, Warehouse Worker, Media Operator.

(16) Service Worker: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP Board: Campus Police Officer, Campus Police Assistant, Custodian, Custodian Lead, Parking Supervisor, Security Guard.

(17) Physical Disability: A condition of the body resulting from birth, from accident or sickness, which impairs bodily function, particularly in movement.

(18) Official College Publications: Includes two general categories of publication, those which (1) emanate from the office of the Director of College Relations and those which (2) emanate from any other official and manager or professional primarily intended for representation of the college.

(19) Vacancy: A vacancy in an exempt administrative position occurs when an existing and continuing position becomes unfilled by death, resignation, dismissal, or promotion, or when a newly created position is approved; provided, however, that a vacancy shall not result if the public process of combining two or more exempt administrative positions as provided in EAC 174-112-425(3) establishes an enlarged position for which one or more incumbents of the positions combined qualify on the basis of job-related criteria as defined in WAC 174-148-120(9), and the appointing authority promotes one such incumbent to the combined position; provided, further, that a vacancy shall result if the public process of combining two or more exempt administrative positions as provided in EAC 174-112-425(3) establishes an altered, but not enlarged, position. [Order 75-6, § 174-148-120, filed 11/5/75; Order 74-1, § 174-148-120, filed 5/17/74.]

Chapter 174-157 WAC

FOOD SERVICE—ALCOHOLIC BEVERAGE BANQUET PERMITS

WAC

174-157-600	Purpose and definition.
174-157-610	Banquet permit policy.
174-157-620	Banquet permit procedures.
174-157-990	Form—Exhibit 1—Request for approval of banquet permit.

WAC 174-157-600 Purpose and definition. The purpose of these sections WAC 174-157-600 through 174-157-620 is to establish the guidelines and procedures for securing a banquet permit for alcoholic beverage service on college property. Banquet permits are licenses to serve alcoholic beverages on a premise not

ordinarily licensed to do so. Applications are approved on a one time only, limited invitation, specified date, time and location basis. [Order 75-1, § 174-157-600, filed 2/6/75.]

WAC 174-157-610 Banquet permit policy. (1) No banquet permit for The Evergreen State College will be applied for or issued without the signature of the President or the Dean of Student Development Programs on the application. Such signatory authorization shall be obtained at least two working days prior to the event or at least two working days prior to release of general information regarding the event, whichever is earlier.

(2) The Evergreen State College will not authorize application for banquet permits from the Washington State Liquor Control Board until all of the following conditions are met:

(a) The person who will assume responsibility for the carrying out of the provisions of this policy for securing and use of the banquet permit, hereinafter referred to as the "sponsor", must be an employee of the college or a duly appointed representative of a recognized, registered college organization.

(b) The sponsor must reserve appropriate controlled access facilities for the event under the provisions of WAC 174-136-010 through 174-136-022 in advance.

(c) The sponsor must set a specific date and name both starting and ending times for the event.

(d) Alcoholic beverage service must be complementary to a planned program.

(e) Alcoholic beverages must be purchased, controlled, and the service thereof supervised by the sponsor.

(f) The sponsor must assure that the persons dispensing alcoholic beverages are at least 21 years of age.

(g) The sponsor must assure that no one under 21 years of age is served.

(h) The sponsor must make security arrangements to assure compliance with Washington State law, Washington State Liquor Control Board regulations, and The Evergreen State College's policies, and to protect college property and integrity; such arrangements must have the prior approval of the college's Security Chief. [Order 75-1, § 174-157-610, filed 2/6/75.]

WAC 174-157-620 Banquet permit procedures. The sponsor shall: (1) Secure the appropriate application form from the office of the Dean of Student Development Programs (see Exhibit 1).

(2) Complete the entire form in the required detail for each question.

(3) Sign the completed form and secure the required signatory authorization.

(4) Deliver the completed form with the required application fee to any Washington retail liquor outlet for final application and issuance of the banquet permit.

(5) Post both the approved college application form and the banquet permit in a conspicuous place at the site of the function. [Order 75-1, § 174-157-620, filed 2/6/75.]

WAC 174-157-990 Form—Exhibit 1—Request for approval of banquet permit.

EXHIBIT 1

THE EVERGREEN STATE COLLEGE REQUEST FOR APPROVAL OF BANQUET PERMIT

To Dispense Alcoholic Beverages on Campus

Date This application must be approved at least two (2) working days prior to the scheduled function, OR at least two (2) working days prior to general announcement about the function, whichever is earlier.

- 1. RESPONSIBLE PERSON FOR EVENT: Address: Phone: Organization Host:
2. LOCATION/TIME OF FUNCTION: Building Room
3. ESTIMATED ATTENDANCE: Total Guests Under 21 years of age
4. REASON FOR FUNCTION; PURPOSE OF SERVING ALCOHOLIC BEVERAGES:
5. BEVERAGES WILL BE DISPENSED BY: Name of person(s)
SECURITY WILL BE PROVIDED BY: (Approved) Director of Security
6. I ACCEPT RESPONSIBILITY for compliance with State of Washington law, regulations established by the Washington State Liquor Control Board, and policies of The Evergreen State College.
7. SIGNATURE OF APPLICANT:
8. APPROVAL: Dean of Student Development Programs Date:

- Copy 1 - Liquor Store
2 - Liquor Store
3 - To Sponsor, to be posted with permit
4 - Security
5 - Auxiliary Services

INSTRUCTIONS ON APPLICATION FOR BANQUET PERMIT

- 1. Obtain "Request for Approval of Banquet Permit" from the office of the Dean of Student Development Programs.

- 2. Complete all sections of the application and secure required signature approval two (2) days prior to the scheduled function and at least two (2) days prior to release of general information about the scheduled function, whichever is earlier.

Sec. 1: The responsible person must be an employee of the college or a duly appointed representative of a recognized, registered college organization. This person accepts personal and organizational responsibility for compliance with state law, Liquor Control Board regulations; and college policy.

Sec. 2: The location must be reserved in advance through the Scheduling Office (Kris Robinson - 6340). This information will also be required by the Liquor Board before issuing the permit. (Spaces which qualify for issuance of Banquet Permits must have controlled access, And Facilities Use Request forms will be required). The date and times must be specific, and both the starting and ending times will be enforced.

Sec. 3: Estimates of attendance should be as accurate as possible. Guests are those attendees who are not members of the sponsoring organization.

Sec. 4: The serving of alcoholic beverages on campus must be complimentary to and a part of a planned program. Beverages must be purchased, controlled, and served by the host organization. "Bring your own bottle" type functions will not be approved.

Sec. 5a: People responsible for dispensing the alcoholic beverages must be 21 years of age or over; will be responsible for seeing that no one under 21 years of age is served; and that adequate control over the inventory precludes distribution to anyone under 21 years of age in any way. (As a guide, plan for a minimum of one (1) bartender for each 100 attendants, to serve and check I.D.).

Sec. 5b: Security arrangements to assure compliance with state law, Liquor Board policy, college policy, and to protect college property and integrity must be approved by the Director of Security. (As a guide, will require one (1) security person for the first 50 people and 100 thereafter).

- 3. The following State Liquor Control Board Regulations apply:
a. That liquor will not be sold either for cash, scrip, tickets or in any manner whatever.
b. That this permit will be posted in a conspicuous place at the premises.
c. That the general public will be excluded, that no advance sale of tickets to the general public will be made, and no advertising will be directed to the general public.
d. The service and consumption of liquor will be confined to that specific room(s) or area identified on the application.

4. Secure signature approval of the Dean of Student Development and the Director of Security no later than two (2) days prior to the scheduled function and at least two (2) days prior to release of general information about the scheduled function, whichever is earlier.
5. In the absence of the Dean, contact the Director of Auxiliary Services or the Director of Recreation and Campus Activities.
6. Take the approved "Request" (copies 1 & 2) along with the required, non refundable, \$5.00 fee to any one of the three (3) local liquor stores.

Liquor Store #11, 214 N. Capitol Way, Olympia
 Liquor Store #110, 4130 Market Square, Lacey
 Liquor Store #124, 411 Cleveland Ave., Tumwater

[Order 75-1, Form—Exhibit 1 (codified as WAC 174-157-990), filed 2/6/75.]

Chapter 174-160 WAC ADMISSIONS PROCEDURES

WAC

174-160-010	Closing date and enrollment limitations.
174-160-020	Procedures.
174-160-030	Notification.
174-160-040	Credentials.

WAC 174-160-010 Closing date and enrollment limitations. The closing date for applications is May 1 for students seeking admission the following September. Fall enrollment will be limited to the number that can be effectively served within the available resources and facilities. Applicants for subsequent terms during the academic year will be considered as space becomes available. [Order 72-11, § 174-160-010, filed 10/27/72.]

WAC 174-160-020 Procedures. (1) A \$15 application fee is required (nonrefundable and nonrecurring) in the form of a check or money order. Payment must accompany the Uniform Application for Admission to Colleges and Universities in the State of Washington.

(2) A student applying directly from high school should request that an official transcript of his record, indicating his rank in his graduating class, be sent to the Admissions Office by the appropriate school official. Provisional acceptance can be granted on the basis of three years of high school work. Applicants accepted on this basis must submit a transcript showing the complete high school record and date of graduation before their acceptance is final.

(3) A transfer student is requested to present two (2) official transcripts from each college or university attended. Applicants must be in good academic standing at the last institution attended. No action will be taken on a transfer application until all transcripts of previously completed work have been received. Students planning to enroll at Evergreen for the fall quarter who are currently enrolled in another institution must have

an official copy of their records sent to the Admissions Office by June 20.

(4) The Supplemental Admissions Form is an essential part of the admissions procedure. It must be completed by all prospective students in support of the application. The Supplemental Admissions Form will be sent upon receipt of the Uniform Application for Admissions to Colleges and Universities in the State of Washington.

(5) An admissions decision will not be made on incomplete applications. An application is considered complete when the following items have been submitted to the Admissions Office:

(a) Uniform Application for Admission to Colleges and Universities in the State of Washington, together with the \$15 application fee,

(b) Supplemental Admissions Form,

(c) Official transcript(s), and

(d) For those students entering from high school, appropriate test scores.

(6) Upon receipt of a notice of eligibility, the applicant must send an advance deposit in the amount of \$50 within 30 days. A Permit to Register, showing the date of registration, will then be sent.

(7) The Health Evaluation Form, sent with the Permit to Register, must be completed by a physician and returned to the Admissions Office at least 30 days prior to the date of registration. [Order 72-11, § 174-160-020, filed 10/27/72.]

WAC 174-160-030 Notification. Notification of decisions will be made as soon as possible after a review of each completed application. A student must reapply if he fails to register for a particular term. Closing dates for applications are May 1 for fall term, December 1 for winter term, and March 1 for spring term. [Order 72-11, § 174-160-030, filed 10/27/72.]

WAC 174-160-040 Credentials. Credentials, except original documents, submitted in support of an application become the property of the College. The admissions credentials of students who do not register for the term in which they applied will be held for two years before being discarded. [Order 72-11, § 174-160-040, filed 10/27/72.]

Chapter 174-162 WAC

STUDENT AFFAIRS—RELEASE OF STUDENT INFORMATION—FINANCIAL OBLIGATION OF STUDENTS

WAC

174-162-010	General policy.
174-162-015	Definitions.
174-162-020	Disclosure to the student.
174-162-025	Requests and appeal procedures.
174-162-030	Release of personally-identifiable records.
174-162-035	College records.
174-162-040	Release of publicity information.
174-162-045	Notice of rights.
174-162-050	Withholding information.
174-162-300	Collection and appeal.
174-162-310	Withholding degrees and transcripts.

WAC 174-162-010 General policy. The Evergreen State College must insure that information contained in student records is treated responsibly with due regard for its personal nature, and for the students'[,], college's, and community's needs. The following guidelines implement this general policy and respond to the requirements of Public Law 93-380 (Family Educational Rights and Privacy Act of 1974). [Order 76-4, § 174-162-010, filed 7/22/76.]

WAC 174-162-015 Definitions. For the purposes of WAC 174-162-010 through 174-162-045, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been registered at Evergreen, with respect to whom Evergreen maintains educational records or other information personally-identifiable by name, identification number, or other names of recognition.

(2) The term "educational records" means those records, files, documents and other materials maintained by Evergreen which contain information directly related to the individual student.

(3) The term "directory information" means the student's name, address, telephone number, dates of attendance, date and place of birth, major field of study, participation in officially recognized activities and sports, degrees and awards received, and the most recent previous educational agency or institution attended by the student. [Order 76-4, § 174-162-015, filed 7/22/76.]

WAC 174-162-020 Disclosure to the student. (1) A student has the right to inspect, and request copies of his or her education records, except that a student is not entitled to access to:

(a) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a person appointed to replace or assume responsibilities of the originator of the records;

(b) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes;

(c) Records on a student which are created or maintained by a physician, psychiatrist or other officially recognized professional or para-professional acting in his or her professional or para-professional capacity, and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment: *Provided, however,* That such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(d) A parent's confidential financial statement unless the student's parent or guardian has granted permission for access in writing either on the statement or in a separate authorizing letter;

(e) Records or/and documents of the Security Office which are kept apart from educational records and

which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction, if Security Office personnel do not have access to educational records under WAC 174-162-020(1).

(2) Recommendations, evaluations or comments concerning a student, whether or not provided in confidence, either expressed or implied, as between the author and the recipient, shall nonetheless be made available to the student, except that:

(a) The student may specifically release his right to review where the information consists only of confidential recommendations respecting admission to any educational institution, or an application for employment, or receipt of an honor or honorary recognition, by submitting the release in writing to the Evergreen individual(s) or office(s) having custody of the particular record;

(b) A student's waiver of his or her right of access to confidential statements shall apply only if the student is, upon request, notified of the names of all persons making confidential statements concerning him or her, the dates of such confidential statements were provided; and such confidential statements are used solely for the purpose for which they were originally intended, and such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from Evergreen;

(c) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under this subsection: *Provided, however,* That upon request the student is notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. The student will initiate any request for release by direct contact with the author. Confidential information will then only be released to the student upon receipt of written consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to that student.

(4) Charges for copies of education records shall not exceed \$1.00 per page.

(5) The Registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record or prepare other copies of the student's records on file in the Registrar's Office.

(6) Student education records may be destroyed in accordance with routine retention schedules. In no case will any record which is requested by a student for review in accordance with WAC 174-162-020 and 174-162-025 be removed or destroyed prior to informing the student and, if requested, providing the student access.

(7) A student's right to inspecting and securing copies of his or her education records passes to the student's heir(s) upon his or her death. [Order 76-4, § 174-162-020, filed 7/22/76.]

WAC 174-162-025 Requests and appeal procedures.

(1) A request by a student for review of information should be made in writing to the Evergreen individual(s) or office(s) having custody of the particular record. The individual(s) or office(s) having custody of the record requested shall require presentation of proper identification, including validation of identity by way of student's photo I.D. Card and/or signatures, from the requesting student.

(2) The individual(s) or office(s) must respond to a request for educational records within a reasonable period of time, but in no case more than 45 days after the request has been made. Those specific cases identified in WAC 174-162-020(1) are exempted from coverage under this section.

(3) After reviewing his or her records, a student may challenge the content of the records if the student believes them to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. In such cases the student should contact the appropriate dean or director responsible for custody of the record. If a student has been unable to negotiate correction of or deletion of inaccurate, misleading or otherwise inappropriate data, he or she may pursue the grievance procedures in chapter 174-108 WAC and may place a written statement of rebuttal in his or her official records.

(4) Request for public records must be submitted in accordance with procedures outlined in chapter 174-108 WAC. [Order 76-4, § 174-162-025, filed 7/22/76.]

WAC 174-162-030 Release of personally-identifiable records. (1) The College shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) Evergreen staff, faculty, and student employees when the information is specifically required for a legitimate educational interest within the performance of their assigned responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those assigned responsibilities;

(b) Federal and state officials requiring access to educational records in connection with the audit and evaluation of a federally- or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students to other than those officials, and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements;

(c) Agencies or organizations requesting information specifically required as a part of a student's application

for, or receipt of, financial aid, with the understanding that its use will be strictly limited to that purpose;

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it was provided;

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for educational records should also immediately notify the Assistant Attorney General assigned to Evergreen;

(g) A collection agency under contract to Evergreen when necessary to collect past due accounts the student owes to Evergreen upon the condition that the student is forwarded a notice at least ten days in advance of the date the account is transferred.

(2) Where the consent of a student is obtained for the issuance of education records, it shall be in writing, signed and dated by the student giving the release, and the names of the parties to whom such records will be released, and may include the reasons for such release, except that transcripts may be issued to other colleges or universities for admission as a result of telephone requests from the student.

(3) In cases where records are made available without student release as permitted by WAC 174-162-030(1)(b), (c), (d), (e), (f), and (g), the appropriate Evergreen official shall maintain a record, which will be made available to the student upon request kept with the education record, which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 174-162-030(1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) Students may request that the college not release directory information by written notice to the registrar.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is clearly necessary to protect the health or safety of a student or other person(s).

(7) Student information in computer files may be released only by the Evergreen individual or office which maintains the respective files. [Order 76-4, § 174-162-030, filed 7/22/76.]

WAC 174-162-035 College records. (1) All Evergreen individual(s) or office(s) which have custody of education records will develop implementation procedures in accordance with WAC 174-162-010 through 174-162-045.

(2) Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provisions shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records. [Order 76-4, § 174-162-035, filed 7/22/76.]

WAC 174-162-040 Release of publicity information. The College Relations Officer of the college may refer to "Directory Information" concerning the availability of information which may be released generally concerning enrolled students. Students may request that the College not release publicity information by written notice to the College Relations Office. [Order 76-4, § 174-162-040, filed 7/22/76.]

WAC 174-162-045 Notice of rights. In accordance with the requirements of the federal statute, the college through the office of the Dean of Enrollment Services will annually notify all enrolled students of their rights under WAC 174-162-010 through 174-162-045 to include:

(1) The types of educational records and information contained therein which are directly related to students and maintained by the institution.

(2) The name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have access. [Order 76-4, § 174-162-045, filed 7/22/76.]

WAC 174-162-050 Withholding information. There may be conditions such as unmet financial obligations, violations of non-academic regulations, etc., under which the college will withhold credit reports, transcripts, certifications, or other information about a student. [Order 76-4, § 174-162-050, filed 7/22/76.]

WAC 174-162-300 Collection and appeal. As an institution of public higher education administering public funds, the college has the responsibility to exercise due diligence in the collection of its outstanding accounts. To this end, the following policy is adopted:

(1) When students register, tuition and fee obligations are incurred unless the students officially withdraw prior to the sixth class day. Tuition and fees are payable by the sixth day of the quarter. Students who have not paid full tuition and fees prior to the sixth class day will be

assessed a fifteen dollar late payment fee. Students who have not paid the full amount of tuition and fees by the thirtieth calendar day will be disenrolled for nonpayment of fees on the thirty first calendar day and rebilled for the balance of the original tuition and fee charge. All other charges presented on accounts receivable statement forms are due and payable on the tenth of the month following the month that the charges were recorded. Charges that are not paid when due are considered delinquent and as such are subject to interest and penalty charges.

(2) Every student has the right to appeal a decision to assess any fee, fine, charge, debt or other financial obligation to the college as long as the appeal is made within ten days after the notice of assessment. The appeal must be in writing and directed to the budgetary unit head of the unit assessing the charge(s) in question. The budgetary unit head receiving the appeal must respond to the appeal within ten days of the date of the appeal. If the appeal is denied and the student has not resolved his or her financial obligation to the college within ten days after the response to the appeal, the college may take the action authorized by WAC 174-162-310. If the student is still in disagreement with the decision, he or she may initiate COG mediation procedures as long as those actions are started within ten days after the response to the appeal.

(3) Charges sixty days delinquent will be turned over to accounts receivable for collection action.

(4) In the event an account becomes ninety days delinquent all facilities on campus will be notified to cancel all credit privileges for the account and the registrar will be advised to withhold the student's transcript and registration privileges.

(5) In the event an account becomes one hundred twenty days past due it will be turned over to the collection agency for collection and/or legal action if appropriate. [Order 77-4, § 174-162-300, filed 12/16/77; Order 77-1, § 174-162-300, filed 4/26/77.]

WAC 174-162-310 Withholding degrees and transcripts. Admission to or registration with the college, conferring of degrees and issuance of academic transcripts will be withheld for failure to meet financial obligations to the college. [Order 77-1, § 174-162-310, filed 4/26/77.]