

in the floodway or flood channel expected during a flood up to a magnitude of a one hundred year frequency. (In consideration of this provision the department shall determine whether the structures or works either alone, or in combination with existing or future similar works could adversely influence the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities. The determination of these effects shall be based on the assumption that the floodway encroachment resulting from any proposed structures or works will extend for a significant reach of the stream together with an encroachment equal in degree on the opposite side of the stream.)

(4) The structures or works are not designed for, or will not be used for either (a) uses associated with high flood damage potential or (b) dwellings for human habitation of a permanent nature; provided that a new single family farmhouse or substantial improvements to an existing single family farmhouse may be permitted under the following conditions:

(i) A new single family farmhouse must be built as the replacement of an existing single family farmhouse on the same farmsite. The house being replaced shall be removed from the floodway in its entirety, including the foundation. The permit shall specify a date for completion of the above work.

(ii) The elevation of the lowest habitable floor of the residence, including basement, shall be one foot higher than the one hundred year flood elevation.

(iii) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(iv) New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(v) All other utilities and connections to public utilities shall be designed, constructed, and located to minimize or eliminate flood damage.

(vi) There must be no potential site for the farmhouse on the farmsite outside the floodway.

Any application for a permit which complies with all requirements of this section and the provisions of WAC 508-60-060 and 508-60-070 will be granted. [Statutory Authority: RCW 86.16.027, 79-12-049 (Order DE 79-25), § 508-60-040, filed 11/26/79; Order DE 74-10, § 508-60-040, filed 6/17/74; Order 68-9, § 508-60-040, filed 2/28/69.]

Chapter 508-86 WAC

REGISTRATION OF WATER RIGHT CLAIMS

WAC

508-86-010 through 508-86-990 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 508-86

REGISTRATION OF WATER RIGHT CLAIMS

- 508-86-010 Purpose. [Order 70-5, § 508-86-010, filed 4/10/70.] Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.
- 508-86-020 Water right claim. [Order 70-5, § 508-86-020, filed 4/10/70.] Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.
- 508-86-990 Appendix A—Form—Water right claim form. Repealed by 79-12-011 (Order DE 79-22), filed 11/13/79. Statutory Authority: RCW 90.14.230.

WAC 508-86-010 through 508-86-990 Repealed.
See Disposition Table at beginning of this chapter.

Title 516 WAC

WESTERN WASHINGTON UNIVERSITY

CHAPTERS

- 516-20 Student rights and responsibilities.**
- 516-26 Student records.**

Chapter 516-20 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

- 516-20-005 Preamble.
- 516-20-010 The academic code.
- 516-20-011 Academic code violations defined.
- 516-20-015 Penalties for violation of the academic code.
- 516-20-020 Freedom of expression.
- 516-20-030 Speakers.
- 516-20-040 Printed material.
- 516-20-050 Placement.
- 516-20-120 Identification of persons on the campus.
- 516-20-125 Repealed.
- 516-20-137 Judicial structure.
- 516-20-140 University Judicial Board.
- 516-20-145 Repealed.
- 516-20-150 Summer Quarter Judicial Board.
- 516-20-152 University conduct hearing officer.
- 516-20-155 Repealed.
- 516-20-156 Judicial proceedings.
- 516-20-160 Initiation of judicial proceedings.
- 516-20-165 Notice of hearing.
- 516-20-170 Failure to appear before a judicial officer or judicial board.
- 516-20-172 Withdrawal of student prior to completion of proceedings.
- 516-20-175 Proceedings to be open or closed.
- 516-20-180 Rights of the accused student.
- 516-20-181 Alternative to judicial procedures.
- 516-20-182 Interim suspension permitted.
- 516-20-185 Decision based solely on evidence.
- 516-20-190 Notification of decision.
- 516-20-195 Records of proceedings.
- 516-20-200 Appeals.
- 516-20-205 Repealed.
- 516-20-210 Committee on student rights and responsibilities.
- 516-20-215 Fairhaven College.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 516-20-125 Judicial proceedings. [Order 76-2, § 516-20-125, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-145 College Conduct Hearing Officer. [Order 76-2, § 516-20-145, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-155 Judicial board proceedings. [Order 76-2, § 516-20-155, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-205 Withdrawal of student prior to completion of proceedings. [Order 76-2, § 516-20-205, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).

WAC 516-20-005 Preamble. Students of Western Washington University have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. This chapter advises the student of his rights and responsibilities while enrolled at Western Washington University. The student is expected to respect academic codes and federal, state, and local laws, and to act as a responsible member of the university community. As citizens, students enjoy the same basic rights as all members of society and are bound by the same responsibilities. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-005, filed 5/14/79; Order 76-2, § 516-20-005, filed 6/7/76; Order 72-10, § 516-20-005, filed 11/17/72.]

WAC 516-20-010 The academic code. Violations of the academic code of Western Washington University are defined in WAC 516-20-0(11). Students accused of violations of the academic code shall be subject to university judicial action. The university and its teaching faculty shall take all reasonable steps to prevent and detect any violation of this academic code. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-010, filed 5/14/79; Order 76-2, § 516-20-010, filed 6/7/76; Order 72-10, § 516-20-010, filed 11/17/72.]

WAC 516-20-011 Academic code violations defined. A student shall be subject to disciplinary action for the following acts of academic dishonesty:

- (1) Giving unauthorized information to another student or receiving unauthorized information from another student during any type of examination or test.
- (2) Obtaining or providing without authorization questions or answers relating to any examination or test prior to the time of the examination or test.
- (3) Using unauthorized sources for answers during any examination or test.
- (4) Engaging in any and all forms of plagiarism. Plagiarism is defined as the act of appropriating the literary composition of another, or parts or passages of another's

writings, or the ideas or language of the same, and passing them off as the product of one's own mind.

(5) Engaging in any behavior which materially or substantially obstructs or disrupts teaching, research, or administrative functions necessary to assure continuation of the academic process, or any proceedings under this chapter.

(6) Submitting fraudulent admission credentials.

(7) Forgery of official university documents. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-011, filed 5/14/79; Order 76-2, § 516-20-011, filed 6/7/76; Order 72-10, § 516-20-011, filed 11/17/72.]

WAC 516-20-015 Penalties for violation of the academic code. The sanctions set forth in this section are available to the university through its judicial structure for students convicted of violating the academic code.

(1) Student(s) convicted on first offense:

(a) May be assigned a grade of F for the work in question or for the course involved.

(b) May be required to make restitution for any and all damage to or loss of personal or university property which is incurred as a result of the student's behavior. Restitution may include money payment to compensate for theft, damaged or destroyed property; repair or replacement of damaged or destroyed property; renovation of disturbed, cluttered, or contaminated areas.

(c) May be placed on disciplinary probation. This action indicates that for a specified period of time the student's continued enrollment is made conditional upon no further violations of the code. No notation is made on the permanent academic transcript, but a record is kept on file in the Office of Student Affairs until the student graduates or permanently severs his/her relationship with the university.

(d) May be placed on disciplinary suspension. This action results in the withdrawal of privileges of attending the university for a specified period of time.

(e) May lose credits earned at a former institution if he/she at the time of application for admission did not provide official transcripts of all work at such institutions.

(2) Student(s) convicted on the second offense:

(a) Shall receive a grade of F in the course involved and shall be placed on disciplinary probation.

(b) May be required to make restitution for any and all damage to or loss of personal or university property which is incurred as a result of the student's behavior.

(c) May be placed on disciplinary suspension.

(d) May be expelled. This action results in the withdrawal of privileges of attending the university with no promise (implied or otherwise) that the student may be reinstated to good standing at any future time.

(3) Student(s) convicted on the third offense:

(a) May be required to make restitution for any and all damage to or loss of personal or university property which is incurred as a result of the student's behavior.

(b) Shall receive a grade of F in the course involved, shall be placed on disciplinary suspension, and upon return to the university shall be placed on disciplinary

probation for the remainder of his/her academic education.

(c) May be expelled. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-015, filed 5/14/79; Order 76-2, § 516-20-015, filed 6/7/76.]

WAC 516-20-020 Freedom of expression. The rights of freedom of speech, petition, and assembly are fundamental to the democratic process. The Constitution of the United States guarantees these freedoms to all members of the Western Washington University community. The university recognizes that it has an obligation to maintain on campus an atmosphere which allows the institution to perform the fundamental task of providing an opportunity for all members of this community to pursue further knowledge through accepted academic processes. To maintain a balance between the stated objectives of the university and the constitutional rights of students, it is essential that demonstrations and other expressions of opinion be peaceful. Students may not materially or substantially disrupt or obstruct freedom of expression. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-020, filed 5/14/79; Order 76-2, § 516-20-020, filed 6/7/76; Order 72-10, § 516-20-020, filed 11/17/72.]

WAC 516-20-030 Speakers. In conformity with the traditions of free speech and free inquiry, the following rules are established to govern the appearance on campus of speakers not themselves members of the university community:

(1) Any person may speak on the campus of Western Washington University when invited to do so by a member of the university community. Normal restraints imposed by law, such as rules concerning slander, shall be observed by speakers. The appearance of an invited speaker on the campus does not constitute an endorsement, either implicitly or explicitly, of the speaker's views by the university's faculty, administration, student body, or Board of Trustees, and the university does not assume any responsibility for views expressed by persons speaking on the university campus.

(2) The scheduling of speakers shall be subject to the availability of appropriate space and the regulations currently in effect governing the use of university facilities.

(3) Public address or audio amplification equipment may normally be used only in the Viking Union Plaza and athletic fields. Use of such equipment in other areas of the campus must be authorized by the Vice President for Student Affairs or the vice president's designee.

(4) The right of free speech does not immunize a speaker from legal action if the substance of the speaker's remarks is found to violate the legal rights of others.

(5) The essence of the right to speak is the freedom of the speaker to make his statement, and both the speaker and the audience are entitled to proceed without being subjected to physical interference or violence. Persons

deliberately engaging in acts of violence or threats of violence or in other conduct which materially or substantially disrupts the exchange of ideas on the campus of Western Washington University are subject to removal from the campus and/or prosecution under law. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-030, filed 5/14/79; Order 76-2, § 516-20-030, filed 6/7/76; Order 72-10, § 516-20-030, filed 11/17/72.]

WAC 516-20-040 Printed material. The university recognizes its obligation to protect students' freedom of expression while at the same time minimizing the impact of visual pollution and physical damage to university property.

Affixing signs, banners, posters, or other displays to building exteriors, including walls, balconies, building exterior columns, roofs, or fixtures is not permitted with the exception of certain banners as in subsection (1) of this section. The university shall provide sufficient bulletin boards and shall permit other methods for disseminating information such as leaflets, handbills, posters and banners, according to the following guidelines:

(1) Handbills, leaflets, posters, written statements and similar materials may be distributed and/or posted, without the necessity for advance review or approval. Exceptions to this policy include the banners authorized through the Viking Union reservation desk and during student body elections when exceptions will be determined by the elections board. (Banner specifications may be obtained from the Director of the Viking Union and/or Director of Housing.)

Other exceptions for very special events, conferences, directional signs, etc., will be made by the Supervisor of Scheduling for academic areas; by the Housing Office for housing areas; and by the Viking Union for student activity facilities.

(2) Displays on building interiors must be confined to bulletin boards or similar areas provided for that purpose. Attaching signs or other displays to walls, doors, stairs, railings, balconies, or other interior structures causes damage and is, therefore, prohibited.

(3) The chairperson or department head may exercise the authority to control the interior of their allotted space with regard to bulletin boards and signs on doors. Boards not allocated to a specific office will be maintained through regular custodial staff activity. Handbills, leaflets, and similar materials may be distributed from any room properly scheduled for that purpose, from authorized areas in the Viking Union, and from outdoor areas on the campus when consistent with the protection of university property. Persons distributing handbills or similar materials have a responsibility to prevent or avoid excessive littering. Persons hanging posters or similar materials will respect the rights of others by posting material only where space is available on bulletin boards and by exercising discretion in size and number of posters per event which appear on any one bulletin board. Specific guidelines may be obtained from the Viking Union.

(4) All printed materials shall indicate the name of the person or organization sponsoring or distributing the materials. All printed material which announces a coming event or attraction shall specify the date.

(5) All printed materials may be subject to removal if their content is libelous or primarily commercial in nature.

(6) All posters and banners advertising events must be removed by the distributing individual or group no later than two school days after the event.

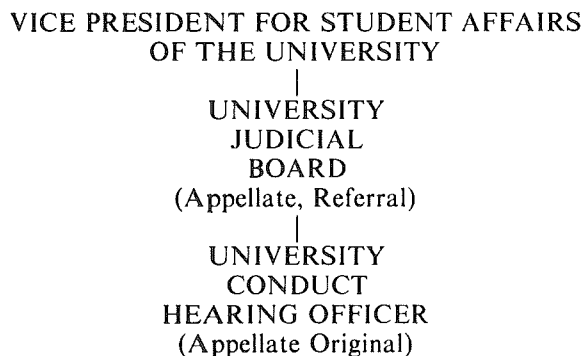
(7) Displays which are improperly posted will be removed and retained at the Viking Union until 10:00 a.m. each Monday. Materials which have not been removed two days after the event will be disposed of. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-040, filed 5/14/79; Order 76-2, § 516-20-040, filed 6/7/76; Order 72-10, § 516-20-040, filed 11/17/72.]

WAC 516-20-050 Placement. The university endorses a free and open placement and recruitment policy. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-050, filed 5/14/79; Order 76-2, § 516-20-050, filed 6/7/76; Order 72-10, § 516-20-050, filed 11/17/72.]

WAC 516-20-120 Identification of persons on the campus. University authorities have the right to seek proper identification of persons on the campus when there is reasonable cause to believe that said persons have violated federal, state, or local laws or university rules, regulations or policies. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-120, filed 5/14/79; Order 76-2, § 516-20-120, filed 6/7/76; Order 72-10, § 516-20-120, filed 11/17/72.]

WAC 516-20-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 516-20-137 Judicial structure. To facilitate understanding of the judicial structure established by this chapter, the following diagram is provided.



[Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-137, filed 5/14/79; Order 76-2, § 516-20-137, filed 6/7/76; Order 72-10, § 516-20-137, filed 11/17/72.]

WAC 516-20-140 University Judicial Board. (1) There is established a University Judicial Board (hereinafter "Judicial Board") which shall consist of six members: two faculty members, three students, and one member of the student affairs staff.

(2) The two faculty members of the Judicial Board shall be appointed by the Vice President for Academic Affairs. The member of the student affairs staff on the Judicial Board shall be appointed by the Vice President for Student Affairs. The three student members of the Judicial Board and three alternates shall be appointed by the Western Washington University Associated Students President. All appointments for each academic year shall be made during the first four weeks of fall quarter of the academic year. The Chairperson of the Judicial Board shall be elected by the members of the board from within its membership.

(3) The term of office of members of the Judicial Board shall be one regular academic year. If a student position on the Judicial Board becomes vacant prior to the end of a term of office, the position shall be filled by one of the appointed alternates.

(4) The University Judicial Board shall have authority to adjudicate and administer sanctions for violations of this chapter. Alleged violations or appeals which occur within the final two weeks of a spring quarter may be heard by the Summer Board. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-140, filed 5/14/79; Order 76-2, § 516-20-140, filed 6/7/76.]

WAC 516-20-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 516-20-150 Summer Quarter Judicial Board. (1) There shall be established a Summer Quarter Judicial Board (hereinafter "Summer Board"). The Summer Board shall have authority to adjudicate and administer sanctions for violations of this chapter when they occur during summer quarter.

(2) The Summer Board shall serve only during the summer quarter. Alleged violations or appeals which occur during the final two weeks of a summer quarter may be heard in the subsequent quarter by the University Judicial Board.

(3) The Summer Board shall be composed of two students appointed by the Western Washington University Associated Students' President, one faculty member appointed by the Vice President for Academic Affairs, and a member of the student affairs staff appointed by the Vice President for Student Affairs. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-150, filed 5/14/79; Order 76-2, § 516-20-150, filed 6/7/76.]

WAC 516-20-152 University conduct hearing officer. (1) The University Conduct Hearing Officer (hereinafter "Hearing Officer") shall be appointed by the Vice President for Student Affairs.

(2) The University Conduct Hearing Officer shall have authority to adjudicate and administer sanctions for violations of this chapter.

(3) The Hearing Officer shall consider appeals made from decisions of faculty in cases of alleged violations of this chapter and shall have initial jurisdiction for alleged violations of the Academic Code, WAC 516-20-011(6). The Hearing Officer shall consider appeals from decisions of the Director of Admissions in cases of alleged violation of WAC 516-20-011(5). [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-152, filed 5/14/79.]

WAC 516-20-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 516-20-156 Judicial proceedings. University judicial proceedings shall be instituted only for violations of the provisions of this chapter. The responsibility for interpreting the provisions of this chapter in the context of a particular case is vested in the Hearing Officer and the Judicial Board or the Summer Board. A particular act shall constitute a violation of this chapter only where a reasonable interpretation of the language of the provisions of this chapter indicates that the act is prohibited. The Hearing Officer, the Judicial Board, or the Summer Board may call upon the Committee on Student Rights and Responsibilities for an advisory interpretation of chapter 516-20 WAC—Student rights and responsibilities. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-156, filed 5/14/79.]

WAC 516-20-160 Initiation of judicial proceedings. Formal judicial proceedings against a student for an alleged act of academic dishonesty may be initiated by the instructor responsible for the course involved.

(1) The instructor must discuss all allegations with the student within seven class days of discovering the alleged violation. This discussion must include the nature and date of the alleged violation, all evidence associated with the incident, and the fact that the student need not give any information regarding the alleged violation.

(2) In the event it is not possible to discuss the alleged violation because of the absence of either party from campus, the instructor shall not submit a grade until he/she has had an opportunity to notify the student and discuss the matter. If the alleged violation occurs at the end of a quarter, the faculty member will notify the student of the allegation within the first fourteen school days of the subsequent quarter. The matter must be discussed between instructor and student at the earliest possible time both parties are available.

(3) If convinced that a violation of the Academic Code did occur, the instructor may invoke the appropriate sanction(s) from WAC 516-20-015 with the exception of disciplinary suspension or expulsion, in which case the instructor shall forward the case immediately to the Vice President for Student Affairs for referral to the Hearing Officer.

(4) The instructor must notify the student of his/her decision and forward to the Vice President for Student Affairs a written statement of that decision with all supporting evidence. This official statement will be retained in the Student Affairs office conduct file for the prescribed probationary period or until the student has graduated or otherwise terminated his/her association with the university.

(5) In cases of alleged disruptive behavior (WAC 516-20-011(5)), the member of the university community bringing the charge shall deliver to the Vice President for Student Affairs a written statement of charges against the student. The Vice President shall refer the case to the Hearing Officer. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-160, filed 5/14/79; Order 76-2, § 516-20-160, filed 6/7/76.]

WAC 516-20-165 Notice of hearing. (1) The Chairperson of the Judicial Board, Summer Board, or the Hearing Officer may request a student formally charged with a violation of this chapter to appear before the Judicial Board, Summer Board, or Hearing Officer by delivering to the student a formal notice of hearing and request to appear.

(2) The formal notice of hearing and request to appear shall state the nature of the alleged violation, the section of the academic code violated, and the time and place of the hearing.

(3) The notice of hearing and request to appear shall be sent by certified mail or hand delivered. When certified mail is used as a means of delivery, the notice will be mailed to the student at the last address on file in the Office of Student Affairs. If the notice is returned via the mails undelivered, the Office of Safety and Security will be charged with hand delivery and providing proof of delivery. The accused student must receive the notice of hearing and request to appear by not later than seven school days prior to the hearing. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-165, filed 5/14/79; Order 76-2, § 516-20-165, filed 6/7/76.]

WAC 516-20-170 Failure to appear before a judicial officer or judicial board. The failure of a student formally charged with a violation of this chapter to appear before the Hearing Officer, the Judicial Board, or the Summer Board after receiving a notice of hearing and request to appear shall be prohibited from registering for subsequent quarters until such time as he/she does appear before the Hearing Officer, the Judicial Board, or the Summer Board. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-170, filed 5/14/79; Order 76-2, § 516-20-170, filed 6/7/76.]

WAC 516-20-172 Withdrawal of student prior to completion of proceedings. A student formally charged with a violation of the academic code who voluntarily withdraws from the university prior to the completion of the proceedings before the Hearing Officer or a judicial

board is not excused from pending judicial action. The accused student's future registration will be held in abeyance until such time as the student arranges to be available for the completion of the judicial proceedings. Whenever a student formally charged with a violation of the academic code is required to withdraw from the university for reasons beyond the student's control prior to the completion of the proceedings before a judicial board or Hearing Officer, the proceedings shall be postponed until such time as the student re-enrolls at the university. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-172, filed 5/14/79.]

WAC 516-20-175 Proceedings to be open or closed. All proceedings of the Hearing Officer or judicial boards shall be open to the public unless the accused student submits a written request asking that the proceedings be closed to the public. If the accused student wishes a closed hearing, written notice requesting such shall be submitted to the Hearing Officer or chairperson of the judicial board at least twenty-four hours in advance of the hearing. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-175, filed 5/14/79; Order 76-2, § 516-20-175, filed 6/7/76.]

WAC 516-20-180 Rights of the accused student. (1) A student accused of violating the University's Academic Code shall have the right to a fair and impartial hearing before the University Hearing Officer, the University Judicial Board, or the Summer Judicial Board.

(2) No student may be asked by the Hearing Officer, the Judicial Board, or the Summer Board to give information or to answer any question concerning an alleged violation by the student of the academic code unless and until the student has been informed of:

(a) The fact that the student is suspected of having violated the academic code;

(b) The provision of the academic code which the student is suspected of having violated;

(c) The nature and date of the alleged violation;

(d) The student's right not to give any information regarding the alleged violation;

(e) The fact that the student may be accompanied by advisers of his/her choice, including legal counsel, at hearings to be held about the alleged violation.

(3) In judicial proceedings the accused student shall have the right to speak in his or her own behalf and be accompanied by advisers of his or her choice, including legal counsel. If the student intends to be represented by counsel, he/she must notify the Hearing Officer or the chairperson of the judicial board at least seventy-two hours before the time scheduled for the hearing. The university may be represented by legal counsel.

(4) In all judicial proceedings the Hearing Officer, the Judicial Board, or the Summer Board and the accused student shall have the right to call any person to speak concerning the alleged violation, subject to the rules of privilege recognized by law. The Hearing Officer or Judicial Board may limit or exclude evidence

which is irrelevant, immaterial, repetitious, or lacking in probative value.

(5) An accused student has the right to know who has brought the charges or allegations against the student and to cross-examine both the person(s) bringing the charges and all persons who present testimony against the student.

(6) A student shall not be subjected to judicial action more than once for the same single violation of the academic code.

(7) The burden of proof in judicial proceedings shall rest with the accuser, and a violation of the academic code must be proven by a fair preponderance of the evidence considered as a whole.

(8) Five of the six members of the Judicial Board and all the members of the Summer Board shall be considered a quorum (i.e., must be present in order for that board to take action). Each member of a judicial board shall have one vote in the deliberation of the board. Actions or decisions by a judicial board must be supported by a majority of the members of the board who are present at the time of the decision or action. A member of a judicial board who considers himself unable to render an impartial decision with regard to a particular case shall absent himself from the deliberations of the board with regard to that case, and may be replaced by an alternate. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-180, filed 5/14/79; Order 76-2, § 516-20-180, filed 6/7/76.]

WAC 516-20-181 Alternative to judicial procedures. (1) In cases where a clear or present danger does not exist, but where repeated disruption has occurred, and where there is question as to whether the student's mental health is such that she/he can profit from a particular university experience and the student is believed to have violated a particular university rule, regulation, or policy, the case will be referred by an Associate Dean of Students to the Vice President for Student Affairs. Before such referral is made, an Associate Dean of Students shall have attempted to assist the student through counseling or referral to other agencies. There should be written indication that such attempts at assistance have been offered and that other students or faculty or the educational mission of the university have been adversely affected by the individual's behavior.

(2) The vice president will conduct a hearing to determine whether there has been a violation of the code and what course of action should be taken. Written notification will be forwarded to the student at least seven days in advance, including time, date, and place of the hearing, the nature of the alleged violation and the section of the university's Student Rights and Responsibilities code allegedly violated. The student may bring someone to speak in his/her behalf. In the absence of such a resource, the vice president will appoint a person to assist the student before and during the hearing. This

hearing is an alternative to the normal judicial procedure when it is deemed by an Associate Dean of Students that the individual is unable to participate in a judicial board hearing.

(3) The vice president will determine an appropriate course of action, based on one or a combination of the following:

- (a) Continued enrollment;
- (b) Treatment to be determined by the student with concurrence of the Vice President for Student Affairs;
- (c) Change of living environment;
- (d) Required medical leave of absence for a specified period. In event of this action, the student must provide reasonable evidence of readiness to cope with the university environment before she/he can be readmitted. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-181, filed 5/14/79.]

WAC 516-20-182 Interim suspension permitted. In order to prevent danger to individuals, substantial destruction of property and significant disruption of teaching, research or administrative functions necessary to assure the continuation of the academic function, the Vice President for Student Affairs or his authorized designee may temporarily suspend a student for stated cause. In all cases the student is entitled to a hearing before the appropriate hearing officer or board as soon as such hearing can be held, but not to exceed five school days after the date of interim suspension unless the student should request an extension. During the interim suspension period the student shall be allowed on university property only to the extent deemed permissible by the Vice President for Student Affairs. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-182, filed 5/14/79.]

WAC 516-20-185 Decision based solely on evidence. The decision of a hearing officer or judicial board shall be based solely on the evidence presented. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-185, filed 5/14/79; Order 76-2, § 516-20-185, filed 6/7/76.]

WAC 516-20-190 Notification of decision. The Hearing Officer or the chairperson of the judicial board shall notify an accused student in writing of the disposition of the student's case and of the student's right to appeal an adverse decision. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-190, filed 5/14/79; Order 76-2, § 516-20-190, filed 6/7/76.]

WAC 516-20-195 Records of proceedings. (1) A hearing officer or judicial board shall make a record of each case handled. This record shall include a statement of the charges brought against the accused student, a listing of the participants or witnesses in the judicial proceedings, a summary of the evidence presented during the proceedings and a statement of the final action

taken by the hearing officer or judicial board. The records prepared by a hearing officer or judicial board shall be delivered to the Office of the Vice President for Student Affairs.

(2) The university shall not make the records of judicial proceedings available for inspection by any member of the public except at the written request of the student involved. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-195, filed 5/14/79; Order 76-2, § 516-20-195, filed 6/7/76.]

WAC 516-20-200 Appeals. (1) A student aggrieved by the decision of an instructor may appeal to the University Conduct Hearing Officer. Either party may appeal an adverse decision of the Hearing Officer to the University Judicial Board or Summer Quarter Judicial Board.

(2) The appeal must be made in writing to the Vice President for Student Affairs within seven school days of receiving notice of the decision and must set forth the basis for the appeal. No sanction may be invoked against the appellant while such appeal is pending.

(3) Either party may appeal to the Vice President for Student Affairs from final decisions by the Judicial Board or Summer Board. Such appeal must be made in writing within seven school days of the board's decision. The Vice President for Student Affairs may uphold, overrule or modify the final board decision only if said final decision was arbitrary, capricious or beyond the scope of the board's authority.

(4) If an appeal is filed, the Hearing Officer or Judicial Board chairperson will establish a time and place for the appeal proceedings and will give appropriate notice to all individuals involved in the proceedings. The Judicial Board or Hearing Officer shall review an appeal on the basis of the evidence presented to, and record prepared by, the instructor or Hearing Officer from which the appeal is taken. The appellant has the right to request, as a part of his/her written statement, that the appeal be either a review of the proceedings without a rehearing or a complete hearing of the evidence.

(5) If an appeal is filed with the Vice President for Student Affairs, the Vice President shall review the appeal on the basis of the evidence presented to, and the record prepared by, the Judicial Board from which the appeal is taken. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-200, filed 5/14/79; Order 76-2, § 516-20-200, filed 6/7/76.]

WAC 516-20-205 Repealed. See Disposition Table at beginning of this chapter.

WAC 516-20-210 Committee on student rights and responsibilities. (1) There is established a Committee on Student Rights and Responsibilities to be composed of four students: one appointed by Inter-Hall Council, one appointed by the President of the Associated Students, one appointed by the Associated Students' Governing Board, and one selected at large from the student body;

one member of the student affairs staff appointed by the Vice President for Student Affairs; one faculty member appointed by the Faculty Senate; one Associate Dean of Students; and the Director of Safety and Security.

(2) The primary purpose of the Committee on Student Rights and Responsibilities shall be to evaluate the university's academic code and policies concerning student rights and responsibilities. The committee may provide interpretations or may recommend changes in policy concerning student rights and responsibilities.

(3) The committee shall act as appellate group for decisions by the Vice President for Student Affairs to withhold certain records from students; shall act as appellate group in accordance with WAC 516-26-060 if informal proceedings fail to resolve complaints of students; and shall provide the review and revision mechanism for recommending changes in the Student Records Policy. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-210, filed 5/14/79; Order 76-2, § 516-20-210, filed 6/7/76.]

WAC 516-20-215 Fairhaven College. (1) Fairhaven College, through the Fairhaven Judicial Subcommittee of the College Council shall have autonomy with respect to the judicial processes at Fairhaven College. These judicial procedures shall be subject to review and change by the College Council and shall be established in a manner which is consistent with the student rights and responsibilities philosophy.

(2) The Fairhaven Judicial Subcommittee of the College Council shall have jurisdiction over all violations of the academic code which occur on the Fairhaven campus. Violations of the academic code by Fairhaven students while on the main campus of Western Washington University shall be under the jurisdiction of the University Conduct Hearing Officer and the University Judicial Board. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-215, filed 5/14/79; Order 76-2, § 516-20-215, filed 6/7/76.]

Chapter 516-26 WAC STUDENT RECORDS

WAC	
516-26-010	Purpose.
516-26-020	Definitions.
516-26-030	Access to records.
516-26-035	Access to records—Limitations on access.
516-26-040	Right to copy records.
516-26-050	Challenges—To content of records—To release of records—Or to denial of access to records.
516-26-060	Challenges—Hearing before Student Rights and Responsibilities Committee.
516-26-065	Repealed.
516-26-070	Release of personally identifiable information or education records.
516-26-080	Release of personally identifiable information or education records—Exceptions to consent requirement.
516-26-085	Release of information in emergencies.
516-26-090	Directory information.
516-26-095	Destruction of student records.
516-26-100	Notification of rights under this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-26-065 Student Records Committee. [Order 76-4, § 516-26-065, filed 8/20/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).

WAC 516-26-010 Purpose. The purpose of this chapter is to implement Public Law 93-380, The Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-010, filed 5/14/79; Order 76-4, § 516-26-010, filed 8/20/76.]

WAC 516-26-020 Definitions. For purposes of this chapter the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Western Washington University and with respect to whom the university maintains education records or personally identifiable information.

(2)(a) "Education records" shall refer to those records, files, documents and other materials maintained by Western Washington University or by a person acting for Western Washington University which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory or 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 substitute;

(ii) If the personnel of the university's Department of Safety and Security do not have access to education records under WAC 516-26-080, the records and documents of the Department which are kept apart from records described in WAC 516-26-020(2)(a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the university in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that 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, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Personally identifiable information" shall refer to data or information which includes either (a) the name

of a student, the student's parent, or other family member, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or (e) other information which would make it possible to identify the student with reasonable certainty.

(4) "Vice President for Student Affairs" shall refer to the Vice President for Student Affairs or his designee. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-020, filed 5/14/79; Order 76-4, § 516-26-020, filed 8/20/76.]

WAC 516-26-030 Access to records. (1) Except as provided in WAC 516-26-035, each student at Western Washington University shall have access to his or her education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The Vice President for Student Affairs shall prepare a list of the types of student education records which are maintained by Western Washington University.

(3) A student wishing access to his or her education records shall submit a written request for access to the Vice President for Student Affairs. A request for access shall be acted upon by the Vice President for Student Affairs within a reasonable period of time, not to exceed twenty days.

(4) The Vice President for Student Affairs shall provide students of the university with an opportunity for reasonable access to education records, provided that the Vice President for Student Affairs shall be responsible for taking appropriate measures to safeguard and insure the security and privacy of the institution's records while being inspected by students.

(5) The Vice President for Student Affairs will inform in writing a student who has requested access to his or her education records of the nature of any records which are being withheld from the student on the basis of the exceptions set forth in WAC 516-26-035. A student may challenge a decision by the Vice President for Student Affairs to withhold certain of the student's records by filing an appeal with the Student Rights and Responsibilities Committee.

(6) This section shall not prohibit the University Registrar from providing a student with a copy of the student's academic transcript without prior clearance from the Vice President for Student Affairs. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-030, filed 5/14/79; Order 76-4, § 516-26-030, filed 8/20/76.]

WAC 516-26-035 Access to records--Limitations on access. (1) Western Washington University shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluation or comment which were provided to the university in confidence, either expressed or implied, prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of the student's right of access in accordance with subsection (2) of this section, confidential records relating to the following:

(i) Admission to any educational agency or institution;

(ii) An application for employment; or

(iii) The receipt of an honor or honorary recognition.

(2) A student, or a person applying for admission to the university, may waive his or her right of access to the type of confidential records referred to in subsection (1)(c) of this section, provided that such a waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. Such a waiver may not be required as a condition for admission to, receipt of financial aid from, or receipt of other services or benefits from the university.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-035, filed 5/14/79; Order 76-4, § 516-26-035, filed 8/20/76.]

WAC 516-26-040 Right to copy records. (1) The Vice President for Student Affairs shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the university of providing the copies.

(2) Official copies of transcripts from other educational institutions, such as high school or other college transcripts, will not be provided to students by the university. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-040, filed 5/14/79; Order 76-4, § 516-26-040, filed 8/20/76.]

WAC 516-26-050 Challenges--To content of records--To release of records--Or to denial of access to records. (1) Any student who believes that inaccurate, misleading, or otherwise inappropriate data is contained within his or her education records shall be permitted to have included within the record a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 516-26-055 and 516-26-060, to:

(a) Challenge the content of education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the university to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's records fail to accurately reflect the grades actually assigned by an instructor. [Statutory Authority: RCW 28B.35.120(11), 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-050, filed 5/14/79; Order 76-4, § 516-26-050, filed 8/20/76.]

WAC 516-26-060 Challenges--Hearing before Student Rights and Responsibilities Committee. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the Vice President for Student Affairs a written request for a hearing before the Student Rights and Responsibilities Committee of the university.

(2) Within a reasonable time after submission of a request for hearing, the Student Rights and Responsibilities Committee shall conduct a hearing concerning the student's request for corrective action.

(a) The student and the university shall be given a full opportunity to present relevant evidence at the hearing before the Student Rights and Responsibilities Committee.

(3) If a student demonstrates that the student's education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Student Rights and Responsibilities Committee shall have authority to order the correction or deletion of inaccurate, misleading or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of the student's education records would be improper under this chapter, the Student Rights and Responsibilities Committee shall have authority to order that the records not be released.

(5) If a student demonstrates that the student is entitled to access to particular documents under this chapter, the Student Rights and Responsibilities Committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the Student Rights and Responsibilities Committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing. [Statutory Authority: RCW 28B.35.120(11), 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-060, filed 5/14/79; Order 76-4, § 516-26-060, filed 8/20/76.]

WAC 516-26-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 516-26-070 Release of personally identifiable information or education records. Except as provided in WAC 516-26-080, 516-26-085, or 516-26-090, the university shall not permit access to or the release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student. [Statutory Authority: RCW 28B.35.120(11), 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-070, filed 5/14/79; Order 76-4, § 516-26-070, filed 8/20/76.]

WAC 516-26-080 Release of personally identifiable information or education records--Exceptions to consent requirement. (1) The university may permit the access to or release of a student's education records or personally identifiable information contained therein without the written consent of the student to the following parties:

(a) University officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the university and will be used only in connection with the performance of those responsibilities;

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

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

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

(e) Accrediting organizations in order to carry out their accrediting functions; or

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the university. Any university employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the Assistant Attorney General representing the university.

(2) Education records of a student or personally identifiable information contained therein which are released to third parties, with or without the consent of the student involved, shall be accompanied by a written statement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The university shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in WAC 516-26-080(1)(a), which have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the university responsible for maintaining the records, and to the parties identified under WAC 516-26-080(1)(a) and (c). [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-080, filed 5/14/79; Order 76-4, § 516-26-080, filed 8/20/76.]

WAC 516-26-085 Release of information in emergencies. (1) The Vice President for Student Affairs or his designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the university, pursuant to subsection (1) of this Section, releases personally identifiable information concerning a student without the student's consent, the university shall notify the student as soon as possible of the identity of the parties and to whom the records or information have been released and of the reasons for the release. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-085, filed 5/14/79; Order 76-4, § 516-26-085, filed 8/20/76.]

WAC 516-26-090 Directory information. (1) The university may release "directory information" concerning a student to the public unless the student requests in writing of the Vice President for Student Affairs that the student's directory information not be released except as provided in WAC 516-26-070, 516-26-075, 516-26-080 or 516-26-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, class schedule[,] dates of attendance, degrees and awards received, participation in officially recognized sports, and weight and height if a member of an athletic team. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-090, filed 5/14/79; Order 76-4, § 516-26-090, filed 8/20/76.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 516-26-095 Destruction of student records. Except as otherwise provided by law, the university shall not be precluded under this chapter from destroying all or any portion of a student's education records, provided that no education record to which a student has requested access shall be removed or destroyed by the university prior to providing the student with the requested access. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-095, filed 5/14/79; Order 76-4, § 516-26-095, filed 8/20/76.]

WAC 516-26-100 Notification of rights under this chapter. The university shall provide reasonable notification to students of the rights of students under this chapter.

(1) Notice will be provided to students under this section at least annually, and shall include the following:

(a) A statement of the types of education records maintained by the university;

(b) The name and position of the employee of the university responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which such persons have access;

(c) A copy of the rules and procedures set forth in this chapter; and

(d) A statement concerning the cost which will be charged to a student for reproducing copies of the student's records. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-100, filed 5/14/79; Order 76-4, § 516-26-100, filed 8/20/76.]