

Title 132U WAC

COMMUNITY COLLEGES--WHATCOM COMMUNITY COLLEGE

Chapters

- 132U-04** Board of trustees--Bylaws.
- 132U-10** Access to public records and documents at Whatcom Community College.
- 132U-36** Environmental Policy Act rules.
- 132U-40** Grievance rules.
- 132U-80** Faculty employment.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 132U-12

BOARD OF TRUSTEES--BYLAWS

- 132U-12-010 Promulgation. [Order 70-1, § 132U-12-010, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-020 The board of trustees. [Order 70-1, § 132U-12-020, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-030 Office of board. [Order 70-1, § 132U-12-030, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-040 Meetings of the board of trustees. [Order 70-1, § 132U-12-040, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-050 Order of agenda. [Order 70-1, § 132U-12-050, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-060 Records of board action. [Order 70-1, § 132U-12-060, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-070 Officers of the board. [Order 70-1, § 132U-12-070, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-080 Official seal. [Order 70-1, § 132U-12-080, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-090 Committees. [Order 70-1, § 132U-12-090, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-100 Amendment of bylaws. [Order 70-1, § 132U-12-100, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-110 Restrictions of individual authority. [Order 70-1, § 132U-12-110, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-120 Effective date. [Order 70-1, § 132U-12-120, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

Chapter 132U-60

ADMISSIONS AND REGISTRATION

- 132U-60-001 Catalog. [Order 72-1, § 132U-60-001, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-002 Changes in catalog. [Order 72-1, § 132U-60-002, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-003 Finances. [Order 72-1, § 132U-60-003, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

- 132U-60-004 Refund of tuition and fees. [Order 72-1, § 132U-60-004, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-005 Residency classification. [Order 72-1, § 132U-60-005, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-006 Sanctions. [Order 72-1, § 132U-60-006, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-007 Admission. [Order 72-1, § 132U-60-007, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-008 Admission of special students. [Order 72-1, § 132U-60-008, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-009 Admission of high school students. [Order 72-1, § 132U-60-009, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-010 Registration. [Order 72-1, § 132U-60-010, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-011 Withdrawal. [Order 72-1, § 132U-60-011, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-012 Graduation. [Order 72-1, § 132U-60-012, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

Chapter 132U-04 WAC

BOARD OF TRUSTEES--BYLAWS

WAC

- 132U-04-100 By-laws.
- 132U-04-110 Restrictions of individual authority.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132U-04-040 Meetings of the Board of Trustees. [Order 74-4, § 132U-04-040, filed 10/16/74; Order 72-1, § 132U-04-040, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-060 Records of Board action. [Order 74-4, § 132U-04-060, filed 10/16/74; Order 72-1, § 132U-04-060, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-070 Officers of the Board. [Order 74-4, § 132U-04-070, filed 10/16/74; Order 72-1, § 132U-04-070, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.

132U-04-080 Official seal. [Order 74-4, § 132U-04-080, filed 10/16/74; Order 72-1, § 132U-04-080, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.

WAC 132U-04-100 By-laws. The Board of Trustees may adopt by-laws to govern its operations. A record of these by-laws shall be maintained in the office of the district. [Order 74-4, § 132U-04-100, filed 10/16/74; Order 72-1, § 132U-04-100, filed 11/29/72.]

WAC 132U-04-110 Restrictions of individual authority. Legal Authority is vested in the Board of Trustees and may be exercised only by formal action of the Board taken in a regular or special meeting. No individual member of the Board may act on behalf of the Board unless specifically instructed by action of the Board. [Order 74-4, § 132U-04-110, filed 10/16/74; Order 72-1, § 132U-04-110, filed 11/29/72.]

**Chapter 132U-10 WAC
ACCESS TO PUBLIC RECORDS AND
DOCUMENTS AT WHATCOM COMMUNITY
COLLEGE**

WAC

132U-10-100	Purpose.
132U-10-110	Definitions.
132U-10-120	Description of organization.
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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER**

132U-10-010	Introduction. [Order 72-1, § 132U-10-010, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-020	Jurisdiction. [Order 72-1, § 132U-10-020, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-030	Designation of custodians of records. [Order 72-1, § 132U-10-030, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-040	Declaration of what constitutes public records. [Order 72-1, § 132U-10-040, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-050	Nonpublic records. [Order 72-1, § 132U-10-050, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-060	Regulations regarding access to public records. [Order 72-1, § 132U-10-060, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
132U-10-070	Violations of limitations upon access to public records. [Order 72-1, § 132U-10-070, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.

WAC 132U-10-100 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 21 with the provisions of chapter 1,

Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular sections 25-32 of that act, dealing with public records. [Order 73-4, § 132U-10-100, filed 11/16/73.]

WAC 132U-10-110 Definitions. (1) **Public Records.** "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics; provided, however, that the personal and other records cited in section 31, chapter 1, Laws of 1973, are exempt from the definition of public record.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Order 73-4, § 132U-10-110, filed 11/16/73.]

WAC 132U-10-120 Description of organization. (1) Community College District No. 21 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at the College Service Center, 5217 Northwest Road, Whatcom County, Washington. The College Service Center comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five (5) members appointed by the Governor. The board of trustees normally meets twice each month, as provided in WAC 132U-04-040. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the State Board for Community College Education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district. [Order 73-4, § 132U-10-120, filed 11/16/73.]

WAC 132U-10-130 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedures Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district. [Order 73-4, § 132U-10-130, filed 11/16/73.]

WAC 132U-10-140 Substantive rules and policies of general applicability. (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability,

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

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

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

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of RCW 28B.19 and are not contained within chapter 132U WAC, but rather are adopted by resolution of the board of trustees or by action of the president and are contained within the Policies and Procedures Manual of Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district: standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public. [Order 73-4, § 132U-10-140, filed 11/16/73.]

WAC 132U-10-150 Public records available. All public records of the district, as defined in WAC 132U-10-110, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132U-10-190. [Order 73-4, § 132U-10-150, filed 11/16/73.]

WAC 132U-10-160 Public Records Officer. The district's public records shall be in the charge of the Public Records Officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132U-10-120. The Public Records Officer shall be responsible for the following: implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally insuring compliance

by district employees with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 73-4, § 132U-10-160, filed 11/16/73.]

WAC 132U-10-170 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar. [Order 73-4, § 132U-10-170, filed 11/16/73.]

WAC 132U-10-180 Requests for public records. In accordance with the requirement of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

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

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

(c) the nature of the request;

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

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the Public Records Officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested. [Order 73-4, § 132U-10-180, filed 11/16/73.]

WAC 132U-10-190 Copying. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check or cash in advance. [Order 73-4, § 132U-10-190, filed 11/16/73.]

WAC 132U-10-200 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132U-10-180 is exempt pursuant to the provisions set forth in section 31, chapter 1, Laws of 1973. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

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

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two (2) business days as to whether his request for a public record will be honored.

(4) All denials of requests for public records must be accompanied by a written statement, signed by the Public Records Officer or his designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld. [Order 73-4, § 132U-10-200, filed 11/16/73.]

WAC 132U-10-210 Review of denials of public record requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

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

(3) Within two (2) business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his designee, shall consider such petition.

(4) During the course of the two business days in which the president or his designee reviews the decision denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two (2) business days. If

the petitioner requesting review does appear at such informal hearing, then the period for review by the district shall be extended to a period not exceeding twenty-four (24) hours after such person requesting review has appeared before the president or his designee.

(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the district fully to comply with the intent of chapter 1, Laws of 1973, insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in section 31, chapter 1, Laws of 1973, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details. [Order 73-4, § 132U-10-210, filed 11/16/73.]

WAC 132U-10-220 Protection of public records. Requests for public records shall be made at the administrative office of the district at Whatcom County, Washington. Public records and a facility for their inspection will be provided by the Public Records Officer. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged according to the provisions of WAC 132U-10-190. [Order 73-4, § 132U-10-220, filed 11/16/73.]

WAC 132U-10-230 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

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

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

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

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

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

(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 73-4, § 132U-10-230, filed 11/16/73.]

WAC 132U-10-240 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

**REQUEST FOR PUBLIC RECORD TO
COMMUNITY COLLEGE DISTRICT NO. 21**

(a) -----
Name (please print) Signature

Name of Organization, if applicable

Mailing Address of applicant Phone

(b) -----
Date Request made Time of Day Request made

(c) Nature of Request -----

(d) Identification Reference on current index (please describe)

(e) Description of record, or matter, requested if not identifiable by
reference to the Community College District 21

Request: Approved --- Denied --- Date -----
By -----
Name Title
Reasons for Denial: -----

Referred to ----- Date -----
[Order 73-4, § 132U-10-240, filed 11/16/73.]

**Chapter 132U-36 WAC
ENVIRONMENTAL POLICY ACT RULES**

WAC

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

WAC 132U-36-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Community College District No. 21 that all actions taken by the District shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapter 197-10 WAC, and chapter 131-24 WAC, as presently enacted or hereafter amended.

(2) The President of Community College District No. 21 shall be responsible for administering and implementing this policy. [Order 76-5, § 132U-36-010, filed 10/19/76.]

**Chapter 132U-40 WAC
GRIEVANCE RULES**

WAC

132U-40-010 Purpose.
132U-40-020 Definitions.

132U-40-030 Time limitations.
132U-40-040 Confidentiality.
132U-40-050 Reprisal.
132U-40-060 Procedures not to apply to certain types of grievances.
132U-40-070 Advocates.
132U-40-080 Initiation of grievance.
132U-40-090 Written statement of grievance to immediate supervisor.
132U-40-100 Written statement of grievance to immediate supervisor's supervisor.
132U-40-110 Written statement of grievance to president.
132U-40-120 President as aggrieved party or causing party.
132U-40-130 Grievance review committee.
132U-40-140 Arbitration.

WAC 132U-40-010 Purpose. The purpose of the rules and procedures set forth in this chapter is to establish a mechanism for the orderly and expeditious resolution of grievances. [Order 74-7, § 132U-40-010, filed 1/7/75.]

WAC 132U-40-020 Definitions. For purposes of this chapter the following words shall have the indicated meanings:

(1) "Grievance" shall mean any condition, action, or failure to act by Whatcom Community College or an agent or employee of Whatcom Community College which adversely affects the grievant and which the grievant believes has resulted from an alleged misinterpretation or misapplication of established college policies or procedures.

(2) "District" shall refer to Community College District No. 21 (Whatcom Community College).

(3) "Grievant" shall mean any employee of the District, other than an academic employee as defined in RCW 28B.52.020, who has a grievance.

(4) "Causing party" shall refer to a person or agency whose action or failure to act has given rise to a grievance. [Order 76-3, § 132U-40-020, filed 7/16/76; Order 74-7, § 132U-40-020, filed 1/7/75.]

WAC 132U-40-030 Time limitations. (1) The time limitations set forth in this chapter are intended to establish maximum limits on the amount of time within which required action must be completed. Individuals involved in grievance proceedings should attempt to fulfill all responsibilities imposed by this chapter as rapidly as possible.

(2) The time limitations set forth in this chapter may be extended by the mutual written consent of all parties involved in a grievance. [Order 74-7, § 132U-40-030, filed 1/7/75.]

WAC 132U-40-040 Confidentiality. (1) All matters pertaining to a grievance shall, at the request of any party involved in the grievance, be deemed confidential information and shall not be unnecessarily related, disclosed, or divulged by any participant in the grievance process or by any employee or agent of the District.

(2) Documents, communications, and records prepared or collected by the District in connection with a grievance shall not be placed in a grievant's regular personnel file but shall instead be maintained in a separate

file. Upon the expiration of all time limitations for the initiation of further legal action with regard to a grievance, all records pertaining to that grievance shall be destroyed. [Order 74-7, § 132U-40-040, filed 1/7/75.]

WAC 132U-40-050 Reprisal. No employee of the District who is involved in or participates in a grievance proceeding shall be subjected to any restraint, interference, discrimination, coercion, or reprisal as a result of that involvement or participation. [Order 74-7, § 132U-40-050, filed 1/7/75.]

WAC 132U-40-060 Procedures not to apply to certain types of grievances. The grievance procedures set forth in this chapter shall not apply to any type of grievance for which another procedure has been established under the rules or regulations of the District or collective bargaining agreements between the District and academic employees of the District, including grievances relating to tenure and promotion, dismissal of academic employees, reductions in force, affirmative action, or the interpretation, application or violation of the terms of any collective bargaining agreement. [Order 76-3, § 132U-40-060, filed 7/16/76; Order 74-7, § 132U-40-060, filed 1/7/75.]

WAC 132U-40-070 Advocates. Any party to a grievance proceeding may be accompanied or represented by an advocate. [Order 74-7, § 132U-40-070, filed 1/7/75.]

WAC 132U-40-080 Initiation of grievance. An individual having a grievance shall first discuss the grievance with the party, if any, whose action or failure to act has given rise to the grievance, and/or with the aggrieved party's immediate supervisor. All parties shall attempt in good faith to resolve the grievance on an informal basis. [Order 74-7, § 132U-40-080, filed 1/7/75.]

WAC 132U-40-090 Written statement of grievance to immediate supervisor. Whenever a grievance is not resolved informally pursuant to WAC 132U-40-080, the grievant may submit a statement of grievance, in writing, to his or her immediate supervisor, with a copy to the party causing the grievance. A statement of grievance must be submitted in writing by not later than twenty (20) working days after the grievant has learned or should reasonably have learned of the facts and circumstances which are the basis for the grievance. The grievant's immediate supervisor shall carefully consider, and shall attempt to resolve, the grievance. Any resolution of the grievance shall be reduced to writing and delivered to all parties to the proceedings. [Order 74-7, § 132U-40-090, filed 1/7/75.]

WAC 132U-40-100 Written statement of grievance to immediate supervisor's supervisor. Whenever a grievance is not satisfactorily resolved under WAC 132U-40-090 within ten (10) working days after receipt by the immediate supervisor of the written statement of grievance, the grievant may submit the written statement of

grievance to the immediate supervisor's supervisor, with a copy to the causing party and to the grievant's immediate supervisor. The written statement of grievance must be submitted to the immediate supervisor's supervisor within five (5) days after the expiration of the ten (10) day period mentioned above. The immediate supervisor's supervisor, in consultation with the grievant, the causing party, and the grievant's immediate supervisor, shall attempt to resolve the grievance. Any resolution of the grievance shall be reduced to writing and delivered to all parties involved in the grievance. [Order 74-7, § 132U-40-100, filed 1/7/75.]

WAC 132U-40-110 Written statement of grievance to president. (1) Whenever a grievance is not satisfactorily resolved under 132U-04-100 within ten (10) working days after receipt by the immediate supervisor's supervisor of the written statement of grievance, the grievant may submit the written statement of grievance to the president of the District, with copies to all other parties involved in the grievance. The president shall notify the Board of Trustees whenever a grievance is submitted to the president pursuant to this section, and shall inform the Board as to the action taken by the president with regard to the grievance.

(2) The president, in consultation with the immediate supervisor's supervisor, the grievant, the party causing the grievance, and the grievant's immediate supervisor, shall attempt to resolve the grievance.

(3) If the president is unable to effectuate a voluntary resolution of the grievance within ten (10) working days after receiving the written statement of grievance, the aggrieved party or the causing party may submit a written request to the president that the grievance be referred to a grievance review committee prior to a decision by the president. If neither the aggrieved party nor the causing party submits such a request, the president shall within five (5) days after the ten (10) day period mentioned above either render a decision with regard to the grievance or forward the grievance to a review committee with a request that the committee prepare findings of fact and recommendations to be utilized by the president in rendering a decision. [Order 74-7, § 132U-40-110, filed 1/7/75.]

WAC 132U-40-120 President as aggrieved party or causing party. Whenever the president is the aggrieved party or causing party to a grievance, and an informal or voluntary resolution of the grievance is not possible, the president shall refer the grievance to a review committee with a request that the committee prepare findings of fact and recommendations to be utilized by the president in rendering a decision. [Order 74-7, § 132U-40-120, filed 1/7/75.]

WAC 132U-40-130 Grievance review committee. (1) A grievance review committee shall consist of five members: two employees of the District selected by the president; two employees of the District selected by the grievant; one employee of the District selected by the other four members of the committee.

(a) Whenever the president is the aggrieved party to a grievance, the grievance review committee shall consist of two employees of the District selected by the president, two employees of the District selected by the causing party, and one employee of the District selected by the other four members of the committee.

(2) A grievance review committee shall have access to all records, documents, and information necessary for complete investigation of the grievance, and may interview witnesses, conduct hearings, and engage in such other proceedings or deliberations as are necessary to the preparation of findings of fact and recommendations concerning the grievance.

(3) A grievance review committee shall submit findings of fact and recommendations to the president concerning a grievance within thirty (30) days after the grievance has been referred to the committee by the president. If a grievance review committee fails to submit findings of fact and recommendations to the president within thirty (30) days, the president shall render a decision on the basis of available information.

(4) The proceedings of a grievance review committee shall be closed to the public.

(5) Except as provided in subsection (6) of this section, the findings of fact and recommendations submitted by a grievance review committee to the president shall be advisory only and shall not be binding upon the president. In rendering a decision on a grievance the president shall only be required to give reasonable consideration to the findings of fact and recommendations of a grievance review committee.

(6) Whenever the president is the aggrieved party to a grievance, the findings, conclusions, and decision of the grievance review committee shall be final and binding.

(7) Except as provided in subsection (6) of this section, the president shall render a decision on a grievance which has been referred to a grievance review committee within five (5) working days after receiving the committee's findings of fact and recommendations. [Order 74-7, § 132U-40-130, filed 1/7/75.]

WAC 132U-40-140 Arbitration. (1) The aggrieved party, if unsatisfied with the decision of the president with regard to a grievance, may, within ten (10) working days after the decision of the president, file a written demand for arbitration pursuant to the rules of the American Arbitration Association. A copy of the demand for arbitration shall be filed with the Board of Trustees of the District.

(2) The fees and expenses of an arbitrator incurred in connection with the arbitration of a grievance shall be shared equally by the aggrieved party and the college. All other expenses including attorney's fees shall be borne by the party incurring them, and neither party shall be responsible for the expenses of the other party.

(3) Except as specifically limited under subsections (4), (5), (6), and (7) of this section, an arbitrator shall have authority, after due investigation, examination and/or hearing, to render a final and binding decision with regard to a grievance.

(4) An arbitrator shall have no authority to take any of the following actions:

(a) An arbitrator shall have no authority to add to, subtract from, disregard, alter, or modify any of the rules, regulations or policies of the Board of Trustees.

(b) An arbitrator shall have no authority to establish salary structures or to require change in any salary.

(c) An arbitrator shall have no authority to change any rule, regulation or policy enacted by the Board of Trustees.

(d) An arbitrator shall have no authority to substitute the arbitrator's judgment for that of the Board of Trustees as to the reasonableness of any rule, regulation or policy.

(e) An arbitrator shall have no authority to decide any question which, under the rules, regulations or policies of the Board of Trustees, the College administration has responsibility or authority to decide.

(5) The arbitrator shall have authority only to determine whether any party to a grievance has violated the rules, regulations or policies of the District.

(6) If either party disputes the arbitrability of any grievance, the arbitrator shall have no jurisdiction to act with regard to the grievance until the jurisdiction of the arbitrator has been determined by a court of competent jurisdiction.

(7) In the event that an arbitrator has no authority or jurisdiction to render a decision with regard to a particular grievance, the arbitrator shall refer the grievance back to the parties without decision or recommendation.

(8) There shall be no appeal from the decision of an arbitrator if all actions by the arbitrator have been within the scope of the arbitrator's authority. [Order 74-7, § 132U-40-140, filed 1/7/75.]

Chapter 132U-80 WAC FACULTY EMPLOYMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132U-80-040	Salary and assignment points for probationary employees. [Order 74-8, § 132U-80-040, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.
132U-80-050	Salary and assignment points for permanent faculty employees. [Order 74-8, § 132U-80-050, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.

WAC 132U-80-010 Purpose. The rules set forth in this chapter are being adopted by the Board of Trustees of Community College District No. 21 in compliance with the provisions of RCW 28B.50.850-28B.50.869 relating to permanent faculty appointments in order to provide and maintain employment security and academic freedom for all employees of the District with faculty appointments and to insure faculty participation and involvement in decisions regarding the granting of permanent status to, or the dismissal of, faculty employees. [Order 74-8, § 132U-80-010, filed 1/7/75.]

WAC 132U-80-020 Definitions. For purposes of this chapter the following words shall have the indicated meanings.

(1) "Faculty appointment" shall mean full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean program coordinators and administrators to the extent that such program coordinators or administrators have had or do have status as a teacher, counselor or librarian.

(2) "Temporary appointment" shall mean employment in a qualifiedly funded program or special program which will be terminated and not renewed after a definite period of time. Temporary faculty employees shall not be considered to have probationary appointments and shall therefore not be eligible for permanent status; temporary faculty employees may, however, be evaluated by the District in accordance with the District's faculty evaluation process.

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated term of employment which may be terminated without cause upon expiration of the term of employment. A faculty member must meet the District's certification requirements in order to achieve probationary status.

(4) "Permanent faculty appointment" shall refer to the type of appointment held by an individual faculty

member who has been awarded permanent status by the Board of Trustees of Community College District No. 21. A permanent faculty appointment may be revoked only for adequate cause and by due process.

(5) "Administrative appointment" shall mean an appointment in a specific administrative position as determined by the appointing authority.

(6) "Standing Review Committee" shall mean a committee composed of three representatives of the faculty selected by the faculty at large, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. The Standing Review Committee will be responsible for the evaluation of each probationary faculty member during the first six consecutive quarters (including summer quarters if under contract) of probationary status.

(7) "Individual Review Committee" shall mean a committee composed of three of the probationer's faculty peers selected by the probationer and the probationer's supervisor from a pool of faculty members chosen by the faculty at large, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. The majority of the Individual Review Committee shall consist of the probationer's faculty peers. The Individual Review Committee will be responsible for the evaluation of an individual probationary faculty member during the seventh and eighth consecutive quarters (including summer quarter if contracted for) of probationary status.

(8) "Faculty Member" or "Academic Employee" shall mean any employee of the District with a faculty appointment. [Order 76-5, § 132U-80-020, filed 10/19/76; Order 74-8, § 132U-80-020, filed 1/7/75.]

WAC 132U-80-030 Written agreement. The District shall provide each faculty member, immediately upon employment, with a written agreement which delineates the terms and conditions of the faculty member's appointment. [Order 74-8, § 132U-80-030, filed 1/7/75.]

WAC 132U-80-060 Standing Review Committee.

(1) Each faculty member having a probationary faculty appointment shall be subject to continuing evaluation by the District throughout the probationary period.

(2) Until such time as a faculty member has been employed under a probationary faculty appointment with the District for six consecutive quarters (including, at the option of the faculty member, summer quarters worked under contract), the Standing Review Committee shall have responsibility for the faculty member's evaluation. [Order 74-8, § 132U-80-060, filed 1/7/75.]

WAC 132U-80-065 Standing Review Committee—Purpose and responsibility. The purpose and responsibility of the Standing Review Committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any

indicated deficiencies. The Standing Review Committee's evaluation of the probationer shall be directed toward, and shall result in, a determination as to whether the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment. [Order 74-8, § 132U-80-065, filed 1/7/75.]

WAC 132U-80-070 Standing Review Committee—Procedures and criteria. The Standing Review Committee shall, immediately after being appointed, establish the procedures that the committee will follow, and the criteria which the committee will utilize, in evaluating the performance and professional competence of the probationary employees. The committee will base its procedures and criteria on guidelines established, after consultation with faculty and students, by the District's Instructional Team. [Order 74-8, § 132U-80-070, filed 1/7/75.]

WAC 132U-80-080 Standing Review Committee—Recommendation not to renew probationary appointment. The Standing Review Committee may recommend to the District President that the probationary faculty appointment of a particular individual faculty member not be renewed.

(2) In the event the Standing Review Committee determines to recommend that an individual's probationary faculty appointment not be renewed, the committee shall forward to the affected faculty member and to the District President a written recommendation of nonrenewal. The Standing Review Committee must forward its written recommendation of nonrenewal by not later than the eighth week of the quarter during which the committee arrives at its determination to recommend nonrenewal. [Order 74-8, § 132U-80-080, filed 1/7/75.]

WAC 132U-80-090 Nonrenewal of probationary appointment. (1) The District President shall have the final authority to determine whether to renew a faculty member's probationary faculty appointment upon expiration of the designated term of employment.

(2) The appointment of a probationary faculty member may be terminated (nonrenewed) upon expiration of the faculty member's designated term of employment without cause and without opportunity for hearing.

(3) Whenever the District President determines not to renew the probationary appointment of a faculty member in his or her third or more consecutive quarter of probationary faculty employment, the President shall notify the probationer in writing of such decision by not later than the last day of the regular academic quarter prior to the regular academic quarter at the end of which the nonrenewal will become effective. A probationary faculty member who is not in his third or subsequent consecutive quarter of probationary faculty employment may be terminated (nonrenewed) without advance notice upon expiration of the faculty member's designated term of employment. [Order 74-8, § 132U-80-090, filed 1/7/75.]

WAC 132U-80-100 Individual Review Committee.

(1) An Individual Review Committee shall be established for each probationary faculty member who has completed six consecutive quarters (including, at the option of the faculty member, summer quarters worked under contract) of probationary faculty employment with the District. The Individual Review Committee shall serve as a review committee for the probationary faculty member until such time as the probationer is either granted permanent status or terminated from employment with the District.

(2) An Individual Review Committee shall be established for each probationary faculty employee within thirty days after the employee completes the sixth consecutive academic quarter of probationary faculty employment with the District. [Order 74-8, § 132U-80-100, filed 1/7/75.]

WAC 132U-80-105 Individual Review Committee—Purpose.

The general purpose and responsibility of an Individual Review Committee shall be to assess the probationer's professional strength and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any indicated deficiencies. The Individual Review Committee's evaluation of the probationer shall be directed toward, and shall result in, a determination of whether the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment. [Order 74-8, § 132U-80-105, filed 1/7/75.]

WAC 132U-80-110 Individual Review Committee—Procedures and criteria.

Each Individual Review Committee shall, immediately after being appointed, establish the procedures that the committee will follow, and the criteria which the committee will utilize, in evaluating the performance and professional competence of the probationary employee. The committee will base its procedures and criteria on guidelines established, after consultation with faculty and students, by the District's Instructional Team. [Order 74-8, § 132U-80-110, filed 1/7/75.]

WAC 132U-80-115 Individual Review Committee—Ongoing evaluation.

(1) The Individual Review Committee shall conduct an ongoing evaluation of the probationary faculty member. In connection with this ongoing evaluation the committee shall:

(a) Review the recommendations of the Standing Review Committee and the evaluations of the probationer's supervisors and/or program implementors;

(b) meet with the probationer at least twice during each regular academic quarter to advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any indicated deficiencies;

(c) prepare written reports concerning the probationer's evaluation and forward such reports to the probationer and to the District.

(i) The Committee shall forward to the probationer and to the appointing authority a written evaluation of

the probationer's performance, including the degree to which the probationer has overcome noted deficiencies, on or before the last day of the tenth week of the probationer's seventh consecutive academic quarter of employment with the District. The committee shall obtain the probationer's written acknowledgment of receipt of the written evaluation.

(ii) The committee shall forward to the probationary faculty member and to the District a written recommendation concerning the award or denial of permanent status to the probationer by not later than the last day of the fifth week of the probationer's eighth consecutive academic quarter of employment with the District.

(iii) The committee shall have authority to forward to the probationer and to the District written recommendations concerning the award or denial of permanent status to the probationer at any time during the probationary period.

(2) The failure of the Individual Review Committee to make a written recommendation pursuant to this section concerning the award or denial of permanent status to the probationary faculty member shall be deemed to be neither a recommendation for nor a recommendation against the granting of permanent status, and the District may award or deny permanent status to the probationer based upon other evidence concerning the performance, competence, strengths and weaknesses of the probationer, notwithstanding the failure of the Individual Review Committee to submit a written recommendation. [Order 74-8, § 132U-80-115, filed 1/7/75.]

WAC 132U-80-125 Decision to award or withhold permanent status. (1) The Board of Trustees of the District shall have final authority to determine whether to award permanent status to a probationary faculty member.

(2) In determining whether to award permanent status to a probationary faculty member the Board of Trustees will give reasonable consideration to the recommendations of the faculty member's Standing Review Committee and Individual Review Committee. The Board of Trustees shall not be bound by the recommendations of the review committees.

(3) A faculty member having a probationary appointment shall be notified of the Board of Trustees' decision concerning the granting or denial of permanent status to that faculty member by not later than the last day of the faculty member's eighth consecutive regular academic quarter of probationary employment with the District.

(i) If the Board of Trustees determines not to award permanent status to a probationary faculty member, the probationer will be notified that his appointment with the District will not be renewed subsequent to the end of the probationer's next regular academic quarter of probationary employment with the District. [Order 76-5, § 132U-80-125, filed 10/19/76; Order 74-8, § 132U-80-125, filed 1/7/75.]

WAC 132U-80-200 Dismissal of faculty. A faculty member with a permanent faculty appointment shall not be dismissed from employment with the District except

for sufficient cause. A faculty member with a probationary faculty appointment shall not be dismissed from employment with the District, prior to the expiration of the faculty member's designated term of appointment, except for sufficient cause. [Order 74-8, § 132U-80-200, filed 1/7/75.]

WAC 132U-80-205 Sufficient cause. Sufficient cause for the dismissal of a faculty member under the provisions of WAC 132U-80-200 through 132U-80-265 shall include, but shall not be limited to, the following:

- (1) Aiding and abetting or participating in:
 - (a) Any unlawful act of violence.
 - (b) Any unlawful act resulting in destruction of District property.
 - (c) Any unlawful interference with the orderly conduct of the educational process.
- (2) Incompetence.
- (3) Neglect of duty.
- (4) Insubordination.
- (5) Conduct which is unbecoming a member of the faculty and which is detrimental to the educational objectives of the college.
- (6) Conviction of a crime involving moral turpitude.
- (7) Willful or knowing violation of District policies, rules or regulations.
- (8) Gross misconduct.
- (9) Malfeasance. [Order 74-8, § 132U-80-205, filed 1/7/75.]

WAC 132U-80-210 Dismissal Review Committee. (1) A Dismissal Review Committee created for the express purpose of hearing cases involving the dismissal of faculty members under the provisions of WAC 132U-80-200 through 132U-80-265 shall be established by not later than October 15th of each academic year. A Dismissal Review Committee shall be composed of representatives of the teaching faculty, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. A majority of the members of the Dismissal Review Committee shall consist of representatives of the teaching faculty.

(2) It shall be the responsibility of a Dismissal Review Committee to prepare written recommendations for the Board of Trustees relating to whether sufficient cause exists to warrant the dismissal of a faculty member. [Order 74-8, § 132U-80-210, filed 1/7/75.]

WAC 132U-80-220 Initiation of dismissal proceedings. (1) The Dean of Instruction shall have initial responsibility for determining whether sufficient cause may exist to warrant the dismissal of a faculty member. If the Dean of Instruction determines that there may be sufficient cause for the dismissal of a faculty member, he shall so notify the District President.

(2) Whenever the President believes that dismissal proceedings should be instituted against a faculty member under the provisions of this chapter the President shall formulate a written statement which specifies with

reasonable particularity the facts, circumstances, and/or charges which constitute the basis for the proposed dismissal.

(3) The President shall forward the written statement of charges to the affected faculty member and to the Dismissal Review Committee. The President shall request the Dismissal Review Committee to review the matter to determine whether sufficient cause exists for the dismissal of the affected faculty member and to make recommendations concerning the propriety of dismissal of the faculty member to the Board of Trustees.

(4) The Dismissal Review Committee shall, after receiving from the President a written statement of particulars, establish a date for a hearing with regard to the matter in question. The committee shall notify the affected faculty member in writing of the time, date, and place of the hearing. [Order 74-8, § 132U-80-220, filed 1/7/75.]

WAC 132U-80-230 Hearings. (1) In any dismissal hearing conducted under the provisions of this chapter the Dismissal Review Committee shall:

(a) Receive evidence and hear testimony from all interested persons, including but not limited to other faculty members and students.

(b) Afford to the parties the right of cross-examination and the opportunity to be represented by counsel.

(2) In any dismissal hearing conducted under the provisions of this chapter the Dismissal Review Committee may afford the parties an opportunity to present oral argument or written briefs in support of their positions.

(3) Dismissal review hearings shall be closed hearings, and interested persons other than the parties involved shall be permitted to be present only for the purpose of presenting evidence with regard to the issues presented by the case. [Order 74-8, § 132U-80-230, filed 1/7/75.]

WAC 132U-80-235 Neutral hearing officer. The Board of Trustees shall appoint a neutral hearing officer to preside over each dismissal review hearing. The neutral hearing officer shall not be a voting member of the Dismissal Review Committee. It shall be the responsibility of the neutral hearing officer to

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

(b) meet and confer with the members of the Dismissal Review Committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) appoint a Court Reporter if requested to do so by either party, who shall operate at the direction of the hearing officer and shall record all testimony, receive all exhibits and other evidence introduced during the course of the hearings, and record any other matters relating to the hearing as directed by the hearing officer;

(d) prepare a record which shall include all pleadings, motions and rulings; all evidence received or considered; a statement of any matters officially noticed; all offers of proof and objections and rulings thereon; proposed

findings and exceptions; a copy of the recommendations of the Dismissal Review Committee;

(e) make all materials received in connection with the hearing available to the parties for inspection or copying. [Order 74-8, § 132U-80-235, filed 1/7/75.]

WAC 132U-80-240 Written recommendation by Review Committee. The Dismissal Review Committee shall prepare written recommendations concerning the dismissal of a faculty member within ten (10) calendar days after the completion of the faculty member's dismissal review hearing. The Review Committee's recommendations shall be immediately forwarded to the Board of Trustees and to the affected faculty member. [Order 74-8, § 132U-80-240, filed 1/7/75.]

WAC 132U-80-245 Decision by Board of Trustees.

(1) The Board of Trustees shall have final authority to determine whether any faculty member should be dismissed under the provisions of this chapter.

(2) The recommendations submitted to the Board of Trustees by a Dismissal Review Committee shall be advisory only and shall not be binding upon the Board of Trustees. In determining whether to dismiss a faculty member under the provisions of this chapter the Board of Trustees shall only be required to give reasonable consideration to the recommendations of the Dismissal Review Committee.

(3) The Board of Trustees may request the parties to participate in such other proceedings, or furnish such additional evidence or information to the Board as the Board may deem necessary or appropriate to final decision in the matter.

(4) The Board of Trustees will notify the affected faculty member in writing of the Board's decision concerning the dismissal or retention of the faculty member. [Order 74-8, § 132U-80-245, filed 1/7/75.]

WAC 132U-80-250 Suspension. (1) At any time after the District President forwards to the Dismissal Review Committee and the affected faculty member the written statement of charges in support of the request for dismissal, the President may suspend the faculty member in question where such suspension is in the best interest of the District. A suspended faculty member shall not be entitled to salary or other benefits while under suspension.

(2) If the Board of Trustees determines not to dismiss a faculty member who has been suspended during the dismissal review proceedings, the faculty member will be awarded any salary payments or other benefits which have been withheld during the period of suspension. [Order 74-8, § 132U-80-250, filed 1/7/75.]

WAC 132U-80-255 Records. (1) All records and reports prepared or collected in connection with dismissal review proceedings conducted under this chapter shall be held in confidence by the Dismissal Review Committee, the President, the appointing authority, and the affected faculty member except where otherwise required by law. Except for routine announcement relating

to the time and place of dismissal review hearings, no public statements concerning dismissal review proceedings shall be made by any party to or participant in the proceedings until after the Board of Trustees has issued its final written recommendation.

(2) All facts and materials relating to dismissal proceedings against a faculty member will be retained in the faculty member's personnel file. [Order 74-8, § 132U-80-255, filed 1/7/75.]

WAC 132U-80-265 Appeal. A faculty member dismissed from employment with the District under the provisions of this chapter shall have a right to appeal the final decision of the Board of Trustees in accordance with the provisions of RCW 28B.19.150. [Order 74-8, § 132U-80-265, filed 1/7/75.]

WAC 132U-80-300 Reduction in force procedures. If an employee with an administrative appointment or permanent faculty appointment is to be laid off in connection with program termination or reduction, decreases in enrollment, or a serious shortage of funds, the reduction in force procedures set forth in WAC 132U-80-300 through 132U-80-370 shall be utilized. [Order 76-3, § 132U-80-300, filed 7/16/76; Order 74-5, § 132U-80-300, filed 11/19/74.]

WAC 132U-80-310 Determination that reduction in force is necessary. (1) If the president determines that a reduction in force is or may be necessary as a result of program termination or reduction, decreases in enrollment, or a serious shortage of funds, he shall give notice of the potential reduction to all academic and administrative employees of the District. The notice shall include (a) the reasons for the proposed reductions in force and (b) the number of academic and/or administrative employees to be considered for layoff.

(2) The president shall determine the need for a reduction in force on the basis of the need for reduction in each of the District's major program areas. For purposes of this chapter, the major program areas of the District shall include Instruction, Learning Resources, Student Services, and Administrative Services. [Order 76-3, § 132U-80-310, filed 7/16/76; Order 74-5, § 132U-80-310, filed 11/19/74.]

WAC 132U-80-320 Reduction in academic employees. The academic employees of the District (or the academic employee organization, if such an organization has been recognized by the Board of Trustees) shall have the right to meet with the president to discuss, and to obtain full documentation concerning the need for any reduction in force which affects employees having permanent academic appointments.

(1) The president shall explain to the academic employees the criteria to be used in identifying which employees having permanent academic appointments will be laid off in connection with the reduction in force.

(2) If any course currently in the curriculum of the District is expected to be eliminated in connection with the reduction in force, the president shall identify that

course and explain why it has been judged to be a course offering which is not necessary or essential to the educational program of the District. [Order 74-5, § 132U-80-320, filed 11/19/74.]

WAC 132U-80-330 Selection of necessary course offerings and/or other services. (1) Whenever the president determines that a reduction in force is necessary, the president, with the advice of the dean of instruction, shall decide in the case of each affected major program area which course offerings and/or other services are most necessary to the maintenance of the District's high quality of education. In making this decision the president shall consider, but shall not be limited to, the following factors:

(a) The enrollment and the trends in enrollment for not less than four consecutive quarters, if applicable, and their effects upon each of the major program areas;

(b) The internal mandates of Whatcom Community College and the goals of the State Board for Community College education;

(c) Information concerning academic and administrative vacancies occurring through retirement, resignation, sabbaticals and leaves of absence.

(2) The president's designation of the most necessary course offerings and/or other services within each affected major program area shall not be subject to review except as required under chapter 28B.50 RCW. [Order 74-5, § 132U-80-330, filed 11/19/74.]

WAC 132U-80-340 Order of layoff. (1) The layoff of academic employees from within a major program area in connection with a reduction in force shall be accomplished in accordance with the following order of layoff, subject to the exceptions set forth in subsection (2) of this section: first, part-time academic employees in inverse order of seniority; second, employees with probationary academic appointments in inverse order of seniority; third, employees with permanent academic appointments in inverse order of seniority.

(2) An academic employee shall not be laid off from a major program area if that employee has been, or is capable of, performing the duties essential to the maintenance of the necessary course offerings and/or other services within that major program area as determined by the President, and there are no other academic employees qualified to perform those duties.

(3) The layoff of employees with administrative appointments shall be in inverse order of seniority.

(4) Seniority for purposes of this section shall be determined on the basis of the date of signing of the first contract of employment with the District. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where academic employees have the same beginning date of professional service, seniority shall be determined in the following order: (a) the first date of the signature of a letter of intent to accept employment; (b) the first date of application for employment. [Order 76-5, § 132U-80-340, filed 10/19/76; Order 74-5, § 132U-80-340, filed 11/19/74.]

WAC 132U-80-350 Determination of employee capabilities or qualifications. The decision of the president with regard to whether an employee is capable of performing the duties essential to the maintenance of a necessary course offering and/or other service shall not be subject to review except as required under chapter 28B.50 RCW. [Order 74-5, § 132U-80-350, filed 11/19/74.]

WAC 132U-80-360 Notice of layoff. The president shall give notice in writing to every employee of the District laid off in connection with a reduction in force. The notice shall specify the reasons for the layoff action and shall inform the employee of the procedures available for appealing the layoff action. [Order 74-5, § 132U-80-360, filed 11/19/74.]

WAC 132U-80-370 Reemployment. (1) An employee having a permanent academic appointment who is laid off in connection with a reduction in force shall be entitled to reemployment in any vacant teaching position within the District for which the employee is qualified. The determination of the college president as to the qualification of an academic employee for a vacant position shall be final. Where two or more academic employees are determined to be qualified for the same vacant position, the employee with the most seniority shall be the first to be reemployed.

(2) The right of an employee having a permanent academic appointment to reemployment shall extend for three years from the date of layoff.

(3) An employee having a permanent academic appointment who is reemployed after having been laid off shall regain permanent status upon rehiring. [Order 74-5, § 132U-80-370, filed 11/19/74.]