

Title 172 WAC

EASTERN WASHINGTON UNIVERSITY

Chapters

- 172-08 Delegation of authority.
- 172-09 Administration of duties and obligations required by Initiative 276--Academic transcripts of Eastern Washington State College students.
- 172-52 Student publications commission.
- 172-65 Use of alcoholic beverages by students twenty-one years and older in residence halls and resident apartments at Eastern Washington State College.
- 172-66 Application for a liquor license permitting beer to be sold for on-campus premises consumption.
- 172-113 Legislative liaisons.
- 172-114 Constitution of associated students.
- 172-116 Traffic and parking regulations.
- 172-118 Traffic and parking regulations for bicycles, motorcycles and motorscooters.
- 172-120 Student conduct code.
- 172-124 Disposition of obligations owed to college by students.
- 172-129 Faculty appeals and grievance procedure.
- 172-136 College facilities.
- 172-138 Eastern Washington State College bookstore.
- 172-140 Placement service facilities.
- 172-144 Special charges--Financial responsibility.
- 172-148 Equal opportunity policy and affirmative action program.
- 172-149 Discrimination grievance procedure.
- 172-150 Equal opportunity policy and affirmative action program.
- 172-156 State college residence housing.
- 172-158 Off-campus living.
- 172-168 Library policies.
- 172-180 Delegated authorization to hire, dismiss and discipline classified personnel.
- 172-190 Implementation of the Family Educational Rights and Privacy Act of 1974.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 172-56

ACCESS TO PUBLIC RECORDS AND DOCUMENTS

- 172-56-010 Introduction and purpose. [Order 72-6, § 172-56-010, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
- 172-56-020 Jurisdiction. [Order 72-6, § 172-56-020, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
- 172-56-030 Designation of custodians of records. [Order 72-6, § 172-56-030, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.

- 172-56-040 Declaration of what constitutes public records. [Order 72-6, § 172-56-040, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
- 172-56-050 Nonpublic records. [Order 72-6, § 172-56-050, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
- 172-56-060 Regulations regarding access to public records. [Order 72-6, § 172-56-060, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
- 172-56-070 Violations of limitations upon access to public records. [Order 72-6, § 172-56-070, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.

Chapter 172-08 WAC DELEGATION OF AUTHORITY

WAC

- 172-08-010 Notice of trespass.
- 172-08-020 Restriction of access.
- 172-08-030 Effective date.

WAC 172-08-010 Notice of trespass. (1) The president of Eastern Washington State College, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from publicly owned buildings or related facilities owned by said college, then such president acting through the Dean of Students or such other persons designated by the president, shall have the power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons, or any group of persons to, enter onto or remain upon all or any portion of real property or in any building or facility thereon or attached thereto which is owned or operated by said college; or

(b) To give notice against trespass by any manner specified in section 1(2), chapter 7, Laws of 1969, to any person, persons or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of real property or in any building or facility thereon or attached thereto, which property is owned or operated by said college; or

(c) To order any person, persons or group of persons to leave or vacate all or a portion of real property or any building or facility thereon or attached thereto which is owned or operated by said college. [Order NIA, § 172-08-010, filed 9/23/69.]

Reviser's note: Section 1, chapter 7, Laws of 1969 (codified as RCW 9.83.080) was repealed by section 9A.92.010, chapter 260, Laws of 1975 1st ex. sess. For later enactment, see chapter 9A.52 RCW.

WAC 172-08-020 Restriction of access. The president of Eastern Washington State College shall be authorized to reasonably restrict the access to, any portion of real property or any building or facility thereon or attached thereto, owned by said college by designating the person, persons or class of persons who shall be privileged to enter upon or into or remain upon such college owned real property or buildings or facilities thereon or attached thereto. Additionally, the said president may prescribe reasonable hours of occupancy and reasonable conduct during occupancy for those persons or class of persons which are privileged to enter upon or into, or remain in any building or facility owned by Eastern Washington State College. [Order NIA, § 172-08-020, filed 9/23/69.]

WAC 172-08-030 Effective date. The provisions of WAC 172-08-010 and 172-08-020 shall become effective upon the date the same are filed with the code reviser. [Order NIA, § 172-08-030, filed 9/23/69.]

Chapter 172-09 WAC

ADMINISTRATION OF DUTIES AND OBLIGATIONS REQUIRED BY INITIATIVE 276— ACADEMIC TRANSCRIPTS OF EASTERN WASHINGTON STATE COLLEGE STUDENTS

WAC

172-09-010	Purpose.
172-09-020	Definition of public record.
172-09-025	Exempted records.
172-09-030	Description of central and field organization at Eastern Washington State College.
172-09-040	General course and method of decision-making.
172-09-050	Informal procedures regarding the general course and methods of decision.
172-09-060	Designation of public records officers.
172-09-070	Availability for public inspection and copying of public records.
172-09-080	Requests for public records.
172-09-090	Charges for copying.
172-09-100	Determination regarding exempt records.
172-09-110	Review of denials of public records requests.
172-09-120	Repealer.
172-09-200	Academic transcripts of Eastern Washington State College students.

WAC 172-09-010 Purpose. The purpose of this chapter is to comply with the requirements of Initiative 276, which is an initiative passed by the voters of the state of Washington on November 7, 1972 and which came into effect in the state of Washington on January 1, 1973. Accordingly, the following rules are hereby promulgated. [Order 73-1, § 172-09-010, filed 1/23/73.]

WAC 172-09-020 Definition of public record. A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Eastern Washington State College, regardless of the physical form or characteristics. [Order 73-1, § 172-09-020, filed 1/23/73.]

WAC 172-09-025 Exempted records. In accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of "public record" and will not be produced upon demand:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

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

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

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

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

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

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

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

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

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

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 73-1, § 172-09-025, filed 1/23/73.]

WAC 172-09-030 Description of central and field organization at Eastern Washington State College. (1) Eastern Washington State College is located on a campus largely contained within the city of Cheney, Washington. This campus comprises the central headquarters for all operations of the college; any "field" activities of the college are directed and administered by personnel located on the campus at Cheney. The college is administered by a board of trustees appointed by the governor; such board normally meets at least once every calendar month.

(2) In accordance with the bylaws at Eastern Washington State College, which bylaws are obtainable at the office of the president, the college is organized into divisions administered by vice presidents. Specifically, academic matters are the concern of a vice president for academic affairs, business and physical planning functions and activities are the responsibility of the vice president for business and management, and student affairs are the responsibility of the vice president for student services. All vice presidents are directly responsible for the operations of all deans, department heads, faculty, and classified personnel operating within their divisions. The vice presidents directly report to the president of the college. [Order 73-1, § 172-09-030, filed 1/23/73.]

WAC 172-09-040 General course and method of decision-making. (1) The formal procedures for decision-making at the college are determined by the bylaws of the board of trustees at Eastern Washington State College and rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders, or directives, or regulations of the college which affect the relationship of the general public with the institution, or the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other,

(a) the violation of which subjects the person to a penalty of administrative sanction; or

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

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

are implemented only through the procedures of the HEAPA. In accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admissions; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such

matters need not be established by rule adopted under this chapter unless otherwise required by law.

(2) Other formal procedures may appear within the bylaws of Eastern Washington State College and may relate to such things as matters that must be first considered by the faculty senate or subcommittees thereof or by the associated students at Eastern Washington State College or subcommittees thereof prior to their consideration by the board of trustees. Requirements regarding such prior considerations by any faculty or student or any other college group also appear in the bylaws of Eastern Washington State College. [Order 73-1, § 172-09-040, filed 1/23/73.]

WAC 172-09-050 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at Eastern Washington State College are, for the purposes of these rules, either:

(1) Decisions made by persons authorized by board resolution the president, vice president or any designee to make a decision within the scope of responsibility assigned to such person; or

(2) Methods of human persuasion utilized by any member of the college's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility. [Order 73-1, § 172-09-050, filed 1/23/73.]

WAC 172-09-060 Designation of public records officers. (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the college shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in the administration building of the college; his exact location and name can be determined by inquiring at the office of the president of the college.

(3) Those persons reporting directly to the "public records officer" with other responsibilities relative to public records are:

(a) A "college records officer" who shall be responsible for compiling and maintaining the index required by Initiative 276;

(b) A "policy records officer" who shall be located in the office of the president of the college;

(c) A "civil service personnel records officer" who shall be the personnel director of the college;

(d) A "faculty personnel records officer" who shall be the vice president for academic affairs or his designee; and

(e) An "administrative personnel records officer" who shall be located within the office of the president and reporting directly to the president.

(f) Any other position designated in writing by the president. Such designation shall be available at the office of the president.

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records officer or the other, the determination of such ministerial responsibility shall be made by the public records officer, or the president of the college. [Order 73-1, § 172-09-060, filed 1/23/73.]

WAC 172-09-070 Availability for public inspection and copying of public records. (1) Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the college or its representative agree on a different time. [Order 73-1, § 172-09-070, filed 1/23/73.]

WAC 172-09-080 Requests for public records. In accordance with the Initiative 276 requirements that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain college records, per WAC 172-09-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the college records officer, a reference to the requested record as it is described in such current index;
- (d) If the requested matter is not identifiable by reference to the college records current index, a statement that succinctly describes the record requested;

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested. [Order 73-1, § 172-09-080, filed 1/23/73.]

WAC 172-09-090 Charges for copying. (1) No fee shall be charged for inspection of public records. Eastern Washington State College may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public

records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official. [Order 73-1, § 172-09-090, filed 1/23/73.]

WAC 172-09-100 Determination regarding exempt records. (1) The college reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of section 31 of Initiative 276. Such determination may be made in consultation with any of the records officers of the college, the president or a vice president of the college, or an assistant attorney general assigned to the college.

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

(3) All denials of requests for public records must be accompanied by a written statement specifying the specific reasons therefor. [Order 73-1, § 172-09-100, filed 1/23/73.]

WAC 172-09-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

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

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

requesting review has appeared before the president or his designee.

(4) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details. [Order 73-1, § 172-09-110, filed 1/23/73.]

WAC 172-09-120 Repealer. Chapter 172-56 WAC, "Access to Public Records and Documents at Eastern Washington State College", which was promulgated by the board of trustees on June 23, 1972, is hereby repealed. [Order 73-1, § 172-09-120, filed 1/23/73.]

WAC 172-09-200 Academic transcripts of Eastern Washington State College students. (1) Objective information of a public nature will be provided without a signed release by the students. Public information shall include student name, address, telephone number, dates of attendance, current enrollment status, degree(s) received, and other schools attended.

(2) All other information contained in student records shall be deemed personal information concerning a student, per section 31 of Initiative 276, and will not be released without the written authorization of the student.

(3) Unless the student has instructed the registrar's office not to release copies of his or her transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference. [Order 73-3, § 172-09-200, filed 2/20/73.]

Chapter 172-52 WAC

STUDENT PUBLICATIONS COMMISSION

WAC

172-52-010	Responsibility of the commission.
172-52-020	Authority of the commission.
172-52-030	Editors of publications.
172-52-040	Hearing procedures for editors.
172-52-050	Paid positions.
172-52-060	Actions of commission subject to review.
172-52-070	Meetings of the commission.
172-52-080	Membership of the commission.
172-52-090	Chairman.
172-52-100	Exclusion from membership.
172-52-110	Removal from membership.
172-52-120	Guidelines for student publications.
172-52-125	Summer publication of the easterner.
172-52-130	Financing.

WAC 172-52-010 Responsibility of the commission. The Student Publications Commission shall represent the students and the college in the general operation of

official college student publications, including *The Easterner*, *The Focus*, *The Freshman Orientation Guide*, and other publications financed in whole or in part from student fees administered by the Associated Students of Eastern Washington State College. In the college organization, the commission will report to the Board of Trustees through the president, or his designee, but shall have autonomy of action and recommendation as provided hereafter. [Order 74-3, § 172-52-010, filed 1/24/74; Order 72-5, § 172-52-010, filed 5/22/72.]

WAC 172-52-020 Authority of the commission. The commission shall have the authority to review all publications within its responsibility as to form, style, content and editorial judgment. It shall have no authority to censor or prevent publication, but it shall have authority to conduct hearings, hold public meetings, conduct investigations, and make recommendations concerning all publications within its scope. The commission shall use the authorities stated above for the students' interest, convenience, and necessity. [Order 74-3, § 172-52-020, filed 1/24/74; Order 72-5, § 172-52-020, filed 5/22/72.]

WAC 172-52-030 Editors of publications. The commission shall appoint the editor of the *The Easterner*, *The Focus*, *The Freshman Orientation Guide*, and any other publications under its charge. It is the policy of Eastern Washington State College that no discrimination on the grounds of race, color, religion, sex, or national origin shall exist at any level, or in any area of the college program. The college accepts its moral and legal responsibility to eliminate discrimination based on any of the above-mentioned reasons.

(1) The editors shall be chosen from among applicants, who shall be considered in light of recommendations which shall be submitted by the advisor of the publication in question, the current (or prior) editor of the publication in question, and by any other person or organization.

(2) Applicants for editor of a publication shall be selected according to competence. The editor of *The Easterner* shall have:

(a) Completed basic journalism courses in newswriting, editing, and law; OR

(b) Served in the position of associate editor of *The Easterner* for not less than two quarters; OR

(c) Served as editor of a community college newspaper for not less than two quarters; OR

(d) Worked as a professional journalist.

All applicants for the position of *The Easterner* editor must submit published work as evidence of their journalistic competence. The commission may announce any additional criteria it deems necessary in selecting editors.

(3) The commission shall have the authority to make recommendations directly to an editor concerning his publication. The editors of *The Easterner*, *The Focus*, *The Freshman Orientation Guide*, and any other publications are directly accountable to the Publications Commission. [Order 74-3, § 172-52-030, filed 1/24/74; Order 72-5, § 172-52-030, filed 5/22/72.]

WAC 172-52-040 Hearing procedures for editors.

(1) The Student Publications Commission shall have authority to suspend and/or dismiss an editor immediately from his duties for stated reasons: *Provided, however*, That the commission must conduct a hearing confined to the issues contained in the reasons stated for suspension within two weeks after notice of suspension is tendered to the editor and made public through available campus media.

(2) Hearings before the Student Publications Commission relative to the suspension and/or dismissal of an editor will generally be open hearings, but upon request of the editor charged with suspension and/or dismissal, the hearing shall be closed.

(3) In all cases in which an open hearing occurs, the chairman of the commission shall have the discretion reasonably to limit the number of attendees at such hearing. If at any time during the conduct of a hearing, invited guests or attendees are disruptive of the proceedings, the chairman of the commission may exclude such persons from the hearing room. In those cases in which the chairman of the commission decides that because of a disruption the hearing cannot be conducted fairly in an open session, he may direct that the hearing be recessed and that the remainder be conducted in closed session.

(4) Any student attending a hearing relating to the suspension and/or dismissal of an editor who continues to disrupt the proceedings after the chairman of the commission has asked him to cease and desist, shall be subject to student disciplinary action under chapter 172-120 WAC.

(5) Only those matters presented at the hearing relating to the commission's stated reasons for suspension or dismissal, except where the editor fails to attend after receipt of proper notice that a hearing regarding his suspension or dismissal is being held at a certain time and place, will be considered in the determination by the commission as to whether it has sufficient cause to believe that the editor charged with suspension and/or dismissal should be suspended or dismissed.

(6) The Student Publications Commission will, following the conclusion of the hearing, meet in closed session and decide by majority vote whether the editor charged with suspension or dismissal should be permanently dismissed or reinstated. If the decision is that he should be suspended or dismissed, the commission will by majority vote determine what sanction should be imposed. This decision shall be accomplished within three days of the time at which the hearing proceedings are terminated.

(7) A written record or a tape recording of the testimony before the Student Publications Commission shall be kept. It may be reviewed by the commission at any time prior to the final disposition of the case. A record of all proceedings will be kept and filed with the Associated Students Council.

(8) Any editor feeling aggrieved by the decision of the Student Publications Commission shall have a right of appeal to the Associated Students Council of Eastern Washington State College, and the council shall have the right to act as stated in WAC 172-52-060. [Order

74-3, § 172-52-040, filed 1/24/74; Order 72-5, § 172-52-040, filed 5/22/72.]

WAC 172-52-050 Paid positions. (1) The commission shall have the right to reject any person recommended by the editor for a paid position at the time of appointment or may dismiss any paid staff personnel through the same procedure as described in WAC 172-52-040.

(2) Paid position vacancies must be announced through all major student campus media, allowing two weeks for applications before appointment. [Order 74-3, § 172-52-050, filed 1/24/74; Order 72-5, § 172-52-050, filed 5/22/72.]

WAC 172-52-060 Actions of commission subject to review. Any and all actions taken by this body are subject to review by the Associated Students Council and may be vetoed by a two-thirds majority vote of that council. Vetoed actions must be returned to the commission and may not be amended or superseded by Associated Students Council action. [Order 74-3, § 172-52-060, filed 1/24/74; Order 72-5, § 172-52-060, filed 5/22/72.]

WAC 172-52-070 Meetings of the commission. (1) The commission shall meet at least once each month during the academic year, and once during the summer if members are available.

(2) The meetings of the commission shall follow *Robert's Rules of Order* and shall be open to the public, excepting sessions concerning the selection or review of personnel.

(3) Special meetings may be called by the chairman or by three of the members upon written request. [Order 74-3, § 172-52-070, filed 1/24/74; Order 72-5, § 172-52-070, filed 5/22/72.]

WAC 172-52-080 Membership of the commission. The members of the commission shall represent the broad interests of the students and the college, and not of any specific constituency, regardless of method of election or appointment. *The commission will represent the students and the college in general operation of official college student publications, as stated in WAC 172-52-010. The college will, as an equal opportunity institution, demonstrate its affirmative action policy by seeking ethnic minority representation on the commission.* Voting members shall comprise:

(1) Five student members, who shall have completed thirty-six quarter hours at Eastern Washington State College at the time of election or appointment, or at least twenty-four hours at Eastern Washington State College if a transfer student, and will not be graduating prior to the expiration of their stated terms of membership on the commission. All five students shall be appointed by the Associated Students' President, with the approval of the Associated Students Council. The terms shall be as follows:

(a) Position 1: A two year term beginning with their appointment.

(b) Position 2: A one year term beginning with their appointment.

(c) Position 3: A one year term beginning with their appointment.

(d) Position 4: A one year term beginning with their appointment.

(e) Position 5: A two year term beginning with their appointment.

(2) Three college representatives as follows:

(a) The chairman of the department of English or his designee.

(b) The adviser to *The Easterner*.

(c) A person appointed by the president of the college for a three year term. [Order 74-3, § 172-52-080, filed 1/24/74; Order 72-5, § 172-52-080, filed 5/22/72.]

WAC 172-52-090 Chairman. The chairman of the commission shall be elected by the voting members of the commission at an organization meeting, to be held prior to spring commencement. The chairman shall be elected from the voting members. [Order 74-3, § 172-52-090, filed 1/24/74; Order 72-5, § 172-52-090, filed 5/22/72.]

WAC 172-52-100 Exclusion from membership. No members of the Student Publications Commission shall serve on the staff of a student publication under the scope of the commission, or be a member of the executive, legislative, or judicial branch of the Associated Students. [Order 74-3, § 172-52-100, filed 1/24/74; Order 72-5, § 172-52-100, filed 5/22/72.]

WAC 172-52-110 Removal from membership. Student Publications Commission members may be removed for nonfulfillment of duties by a two-thirds vote of the Associated Students Council. [Order 74-3, § 172-52-110, filed 1/24/74; Order 72-5, § 172-52-110, filed 5/22/72.]

WAC 172-52-120 Guidelines for student publications. All publications within the scope of the Student Publications Commission shall:

(1) Be directly responsible to the Student Publications Commission.

(2) Be published in the best interests of the students of Eastern Washington State College.

(3) Follow accepted rules and conventions of current journalistic practice.

(4) The function and publishing guidelines of the several publications under the scope of the commission, having been developed after consultation with the staff of the publications, shall be the criteria which editors and their publications shall follow. [Order 74-3, § 172-52-120, filed 1/24/74; Order 72-5, § 172-52-120, filed 5/22/72.]

WAC 172-52-125 Summer publication of the Easterner. Bid specifications for printing *The Easterner* shall be written to allow the summer *Easterner* to be optional based upon a decision by the Publications Commission

at the time of contract acceptance. [Order 74-3, § 172-52-125, filed 1/24/74.]

WAC 172-52-130 Financing. (1) All financial operations of student publications funded in whole or in part by monies from student fees collected by the college shall be reviewed by the commission.

(2) The commission shall be responsible for submitting the combined budgets for student publications to the Associated Students of Eastern Washington State College during the appropriate time in the school year, and for allocating the budget amounts to the various publications.

(3) The commission shall set salaries for all paid positions.

(4) The finances of student publications shall be handled as are other monies budgeted by the Associated Students of Eastern Washington State College. [Order 74-3, § 172-52-130, filed 1/24/74; Order 72-5, § 172-52-130, filed 5/22/72.]

Chapter 172-65 WAC

USE OF ALCOHOLIC BEVERAGES BY STUDENTS TWENTY-ONE YEARS AND OLDER IN RESIDENCE HALLS AND RESIDENT APARTMENTS AT EASTERN WASHINGTON STATE COLLEGE

WAC

172-65-010	Introduction and purpose.
172-65-020	Jurisdiction.
172-65-030	General prohibition against drinking in public places.
172-65-040	Limited rights to consume and possess alcoholic beverages accorded.
172-65-050	Sales of alcoholic beverages prohibited.
172-65-060	Roommate preference allowed.
172-65-070	Information relative to rules must be provided.
172-65-080	Reports of violations required.
172-65-090	Organizations responsible for conduct.

WAC 172-65-010 Introduction and purpose. In accordance with Washington state law that permits persons who are the age of twenty-one years and older to possess and consume alcoholic beverages as defined by Washington state law, the trustees at Eastern Washington State College hereby adopt the following regulations for the purpose of establishing rules governing the consumption and possession of alcoholic beverages by such persons within the privacy of Eastern Washington State College student residence halls and married student apartments. Such regulations are subject to all the limitations imposed by state law, and if any part of these regulations are declared inconsistent therewith by legislative amendment or a judgment by a court of competent jurisdiction, such regulations shall be deemed amended to the extent of such inconsistency, but the remainder of these regulations shall remain in full force and effect. [Order 71-1, § 172-65-010, filed 11/26/71.]

WAC 172-65-020 Jurisdiction. The scope of these rules applies to the residence halls and married student

apartments located upon and properties owned or controlled by Eastern Washington State College. [Order 71-1, § 172-65-020, filed 11/26/71.]

WAC 172-65-030 General prohibition against drinking in public places. (1) Drinking of alcoholic beverages is prohibited in public places by Washington state law. This prohibition applies to any and all functions open to the public, such as entertainment, dances, and athletic events, and also applies to all entrances, hallways, corridors, lounges, and reception areas of the residence living units and to all academic buildings.

(2) The college shall not deem the general prohibition of this section applicable to the consumption of liquor upon public places designated in any special banquet permit issued to a banquet sponsor by the State Liquor Control Board: *Provided, however,* That prior written approval of the banquet sponsor's application for such permit has been accorded by the college. [Order 74-9, § 172-65-030, filed 11/25/74; Order 71-1, § 172-65-030, filed 11/26/71.]

WAC 172-65-040 Limited rights to consume and possess alcoholic beverages accorded. (1) For purposes of these regulations, the college recognizes that the students' individual residence hall rooms and married students' individual student apartments constitute private places to which the general public does not have an unrestricted right of access, and are therefore not public places within the meaning of RCW 66.44.010(24) [RCW 66.04.010(24)] (which law defines what is a public place insofar as the law prohibiting consumption of liquor in a public place is concerned), if such rooms are not actually utilized as public places.

(2) Students of the age of twenty-one years and older are permitted to possess and consume alcoholic beverages on an individual basis in the privacy of the residence hall rooms or married student apartments.

(3) Due to the physical conditions in residence halls and married students' housing, the possession and consumption of alcohol in the privacy of the room and apartment shall not infringe upon the privacy and peace of other individuals. Any infringement upon such privacy and peace of an individual inhabitant of the residence hall or apartment shall, regardless of the age of the offending individual, be considered a violation of college regulations and therefore subject to disciplinary action under the Eastern Washington State College Student Conduct Code. Disruptive and unruly behavior, whether it be associated with the use of alcoholic beverages or not, is a serious breach of expectations of the Eastern Washington State College community and will not be tolerated.

(4) The intent of this policy, as indicated in section 3, is not to provide opportunities for large gatherings involving the consumption of alcohol. Keggers, cocktail parties, or similar functions are not permitted and any student or students who host such a function will be subject to disciplinary action under the EWSC Student Conduct Code. Any student who infringes upon the privacy and peace of other individuals while attending such

a function will also be subject to disciplinary action. [Order 71-1, § 172-65-040, filed 11/26/71.]

WAC 172-65-050 Sales of alcoholic beverages prohibited. Alcoholic beverages in any form may not be sold in college-owned housing nor may residence hall or housing funds be used for the purchase of any alcoholic beverages. [Order 71-1, § 172-65-050, filed 11/26/71.]

WAC 172-65-060 Roommate preference allowed. A student planning to live in a residence hall will be allowed to state a preference for a roommate who does or does not drink alcohol. This request will be honored by housing officials making room assignments. [Order 71-1, § 172-65-060, filed 11/26/71.]

WAC 172-65-070 Information relative to rules must be provided. (1) Each residence hall director will hold an orientation session for residents of the hall each quarter for the express purpose of discussing the policy and regulations regarding possession and consumption of alcohol.

(2) The college shall print, post and distribute the policy about alcohol, and the relevant portions of the laws of the state of Washington.

(3) The policy (with laws) will be posted in each unit of each hall-floor, corridor, etc. [Order 71-1, § 172-65-070, filed 11/26/71.]

WAC 172-65-080 Reports of violations required. (1) Behavioral problems resulting from drinking will be referred to the appropriate student court or to the college disciplinary officer.

(2) Unlawful drinking will be reported to the office of campus safety.

(3) Washington state law provides severe penalties for the illegal possession and/or consumption of alcoholic beverages; i.e., by persons under the legal drinking age, for persons who furnish alcoholic beverages to persons under the legal drinking age, and for consumption in public areas. [Order 71-1, § 172-65-080, filed 11/26/71.]

WAC 172-65-090 Organizations responsible for conduct. The college does not condone the consumption of alcoholic beverages at functions sponsored by Eastern Washington State College or by recognized organizations affiliated with Eastern Washington State College. Organizations are held responsible for the conduct of their members at functions sponsored by that organization and for their failure to comply with Washington state law. [Order 71-1, § 172-65-090, filed 11/26/71.]

Chapter 172-66 WAC

APPLICATION FOR A LIQUOR LICENSE PERMITTING BEER TO BE SOLD FOR ON- CAMPUS PREMISES CONSUMPTION

WAC

172-66-010 Purpose.
172-66-020 Initial procedures.

WAC 172-66-010 Purpose. The board of trustees of Eastern Washington State College hereby declares that it does approve the sale of beer on the premises of Eastern Washington State College, and reserves the right to subsequently adopt rules and regulations governing the same. In order to implement the required legal procedures precedent to obtaining authorization to sell beer on campus, the following rules contained within this chapter are promulgated. [Order 73-3, § 172-66-010, filed 1/30/73.]

WAC 172-66-020 Initial procedures. The board of trustees hereby delegates to the president of the college or his designee the responsibility for investigating and establishing a program to implement the board's policy of permitting beer to be sold on campus. Such program, which may be implemented only with board approval, shall include but not be limited to the following requisite procedures:

(1) A determination by the president as to whether beer to be sold on campus shall be accomplished through a private contractor, or through a division or agency of the college.

(2) If a private contractor is to be the operator of any concession on the campus that does sell beer in any manner permitted by the state liquor board, a determination as to what shall be the nature of such concessionaire-college agreement and the monetary arrangement between the college and the concessionaire.

(3) A determination as to whether a concessionaire or the college will be an applicant to the state liquor board for a beer retailer's license, as permitted at chapter 66.24 RCW.

(4) Designation of the type of liquor license to be requested by the concessionaire, if selected, or the college, since the type of license dictates whether beer may be sold in draft, bottle only, or whether unpasteurized beer may be sold on campus. [Order 73-3, § 172-66-020, filed 1/30/73.]

Chapter 172-113 WAC LEGISLATIVE LIAISONS

WAC

- 172-113-010 Designation of legislative liaisons.
172-113-020 Responsibility.

WAC 172-113-010 Designation of legislative liaisons. In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973, those persons holding the following positions at Eastern Washington State College are designated legislative liaisons for Eastern Washington State College:

- (1) Members of the board of trustees;
- (2) The president;
- (3) All vice presidents;
- (4) The director of college relations;
- (5) The assistant to the president; and
- (6) All those persons designated in writing by the president to communicate specified subject matters,

which writing shall be made available among the records maintained by the office of the president of Eastern Washington State College. [Order 73-2, § 172-113-010, filed 1/23/73.]

WAC 172-113-020 Responsibility. Such persons designated in WAC 172-113-010 shall be responsible for making available through official channels requests for legislation or seeking such appropriations as the college may deem necessary for the official conduct of its business. [Order 73-2, § 172-113-020, filed 1/23/73.]

Chapter 172-114 WAC CONSTITUTION OF ASSOCIATED STUDENTS

WAC

- 172-114-010 Preamble.
172-114-020 Article I—Name, definitions, and membership.
172-114-030 Article II—Students' rights and responsibilities.
172-114-040 Article III—Legislation.
172-114-050 Article IV—Executive.
172-114-060 Article V—Elections.
172-114-070 Article VI—Judicial.
172-114-080 Article VII—Rescind, recall, initiative, referendum, and inspection of records.
172-114-090 Article VIII—Budgeting.
172-114-100 Parliamentary authority.
172-114-110 Amendments.

WAC 172-114-010 Preamble. We, the Associated Students of Eastern Washington University, in order to develop in the students the concept of self government; an appreciation and understanding of democratic values and processes; to strengthen in the student the realization of his rights, responsibilities, and common interest with the community as a citizen, to represent student interests, needs and welfare; to develop in the students an understanding and appreciation of their personal, social, and vocational relationship to the society in which they live; develop in the students fellowship and understanding; and to provide a physical and social environment in which to achieve the above objectives do affirm and establish this Constitution subject to the authority vested in the Associated Students by the Board of Trustees of Eastern Washington University. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-010, filed 8/16/78; Order 72-9, § 172-114-010, filed 9/20/72.]

WAC 172-114-020 Article I—Name, definitions, and membership. (1) The name of this organization shall be the "Associated Students of Eastern Washington University," referred to herein as "A.S."

(2) When used in this Constitution, the following terms shall mean:

(a) "University" means Eastern Washington University and, collectively those responsible for its control and operation.

(b) "Student" includes all persons enrolled in any course at the university.

(c) "Instructor" means all persons hired by the university to conduct classroom activities. In certain situations a person may be both "student" and "instructor."

Determination of his status in a particular situation shall be determined by the surrounding facts.

(d) "Legal compulsion" means a state or federal judicial or legislative order which requires some action by the person to whom it is directed.

(e) "Organization" means a number of persons who have complied with the formal requirements of university recognition as in WAC 172-114-030(5).

(f) "Group" means members of the university community who have not yet complied with the formal requirements for becoming an organization.

(g) "Student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of a campus organization.

(h) "Shall" is used in the imperative sense.

(i) "May" is used in the permissive sense.

(j) All other terms have their natural meaning unless the context dictates otherwise.

(3) All students who are registered for one credit hour or more at Eastern Washington University shall be members of this organization for the period of time covered by the fee. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-020, filed 8/16/78; Order 74-8, § 172-114-020, filed 11/1/74; Order 74-4, § 172-114-020, filed 1/24/74; Order 72-9, § 172-114-020, filed 9/20/72.]

WAC 172-114-030 Article II--Students' rights and responsibilities. (1) The following enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens.

(2) Access to higher education. Within the limits of its facilities and budget, the university shall be open to all applicants who are qualified according to its admission requirements. No person once enrolled may be denied attendance or academic advancement except for disqualification on academic grounds or conviction of violating university rules.

(3) Education.

(a) Students are free to pursue their educational goals within existing university programs; appropriate opportunities for learning shall be provided by the state within its financial resources and the student's ability. This shall include the knowledge, imagination, and dedication of faculty and administrators through excellent teaching and readily available and adequate advice and counsel.

(b) Discussion and expression of all views relevant to the subject matter is permitted in the classroom subject only to the responsibility of the instructor to maintain order and to present course content. Students are responsible for learning the content of any course for which they are enrolled. Requirements for participation in classroom discussion and submission of written exercises are not inconsistent with this section.

(c) Academic evaluation of student performance shall be neither prejudicial nor capricious. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisers, and counselors, is confidential and is not to be

disclosed to others unless under legal compulsion. Questions relating to intellectual or skills capacity are not subject to this section.

(4) Campus Expression.

(a) Free inquiry, expression, petition, and assembly are guaranteed to all students. Support of any cause by lawful means which do not disrupt the operation of the university is permitted. Students, groups, and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of university facilities.

(b) The right of peaceful protest is granted within the university community. The university retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process.

(c) Orderly picketing and other forms of peaceful protest are permitted on university premises. Interference with ingress to and egress from university facilities, interruption of classes, or damage to property exceeds permissible limits. Even though remedies are available through local enforcement bodies, the university may choose to impose its own disciplinary sanctions.

(d) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the university. Any student, group, or organization may protest against any such organization provided that protest does not interfere with any other student's right to have such an interview.

(5) Campus Organizations.

(a) Organizations and groups may be established within the university for any legal purpose. Affiliation with an extramural organization shall not, in itself, disqualify the university branch or chapter from university privileges. Any organization which engages in illegal activities may have sanctions imposed against it including withdrawal of university recognition for a period not exceeding one year.

(b) A group shall become an organization when formally recognized by the university. All groups that meet the following requirements shall be recognized:

(i) Submission of a list of officers and copies of the constitution and bylaws to the appropriate university official or body. All changes and amendments shall be submitted within one week after they become effective.

(ii) Where there is affiliation with an extramural organization, that organization's constitution and bylaws shall be filed with the appropriate university official or body. All amendments shall be submitted within a reasonable time after they become effective.

(iii) All sources of outside funds shall be disclosed.

(c) Membership in all university related organizations, within the limits of their facilities, shall be open to any member of the university community who is willing to subscribe to the stated aims and meet the stated obligations of the organization.

(d) University facilities shall be assigned to organizations, groups, and individuals within the university community for regular business meetings, for social programs, and for programs open to the public; provided:

(i) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance.

(ii) Preference may be given to programs designed for audiences consisting primarily of members of the university community.

(iii) Allocation of space shall be made based on priority of requests and the demonstrated needs of the organization, group or individual.

(iv) The university may delegate the assignment function to an administrative official or a student committee or organization.

(v) Charges may be imposed for any unusual costs for use of facilities.

(vi) Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties and restitution for damages.

(vii) The individual, group, or organization requesting space must inform the university of the names of outside speakers and indicated subject.

(e) No individual, group, or organization may use the university name without the express authorization of the university, except to identify the university affiliation. University approval or disapproval of any policy may not be stated or implied by any individual, group, or organization.

(6) Publications

(a) A student, group, or organization may distribute written material on campus without prior approval providing such distribution does not disrupt the operations of the university and the material clearly states the publisher.

(b) The student press is to be free of censorship. The editors and manager shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on a university controlled and student-operated radio or television station. This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

(c) All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the university or its student body.

(7) University Government.

(a) All constituents of the university community are free, individually and collectively, to express their views on issues of university policy and on matters of interest to the student body. Clearly defined means shall be provided for student expressions on all university policies affecting academic and student affairs.

(b) The role of student government and its responsibilities shall be made explicit. Student government actions reviewed by the university shall only be reviewed through procedures agreed upon in advance.

(c) On questions of education policy, students are entitled to a participatory function. Faculty-student committees shall be created to consider questions of policy

affecting student life. Students shall be designated as members of standing and special committees concerned with university policy affecting academic and student affairs, including those concerned with curriculum[,] discipline, admissions, and allocation of student fees.

(8) Privacy.

(a) The right of students to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed. These rights of privacy extend to university-owned housing. Nothing in the university relationship or housing contract may expressly or by implication give the university or housing officials authority to consent to a search of a student's room by police or other government officials, or anyone else.

(b) When the university seeks access to a university-owned student room to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared.

(9) Student Records.

(a) The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files shall be maintained only by full-time members of the university staff employed for that purpose. Separate files shall be maintained of the following: Academic records, supporting documents, and general educational records; records of discipline proceedings; medical and psychiatric records; and financial aid records.

(b) No entry may be made on a student's academic record and no document may be placed in his file without actual or constructive notice to the student. All matters placed in a student's file in accordance with published customary and ordinary policies, procedures, and regulations, shall constitute constructive notice.

(c) Access to his official, institutional records and files is guaranteed every student subject only to reasonable regulations as to time, place, and supervision. A student may challenge the accuracy of any entry or the presence of any item by bringing the equivalent of an equitable action against the appropriate person.

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

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

(ii) The following data may be given an inquirer: School or division of the enrollment, periods of enrollment, degrees awarded, honors, and major field.

(iii) If any inquiry is made in person or by mail, the following information may be given in addition to that in subsection (ii) immediately above: Address and telephone number, date of birth, and unless the student has instructed the registrar's office not to release copies of his transcript without his written authorization, academic information from the transcript will be released

when it is clear the institution is being cited as an educational reference.

(iv) Properly identified officials from federal, state, and local government agencies may be given the following information upon express request in addition to that in subsections (ii) and (iii) immediately above: Name and address of parent or guardian if student is a minor, and any information required under legal compulsion.

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

(e) Upon graduation or withdrawal from the university, the records and files of former students shall continue to be subject to the provisions of this section[.]

(10) Procedural Standards in Disciplinary Proceedings. Disciplinary proceedings must guarantee fundamental concepts of fair play (due process). The procedural requirements of due process may vary with the seriousness of the charge. In every proceeding in which a major disciplinary action is contemplated, the student shall have the rights of due process, including at least:

(a) The student shall be informed, in writing, of the reasons for the proposed disciplinary action, including charges, with sufficient time to ensure opportunity to prepare for the hearing.

(b) The burden of proof shall rest upon the official bringing the charge.

(c) Upon request, the right to: Closed proceedings, confrontation and cross examination of witnesses, be present, challenge any member hearing the case and witnesses, a record of the appeal at least one step beyond the initial determination.

(d) All matters upon which the decision may be based must be introduced into evidence at the proceeding. The decision shall be based solely upon such matter. Illegally acquired evidence may not be admitted.

(e) No person who is otherwise interested in the particular case may sit in judgment during the proceeding.

(f) The decision shall be final subject only to the student's right [to] [of] appeal.

(11) Procedural Standards in Student Complaint Proceedings. If students have complaints of infringement of their rights, they shall, on request, have a hearing. Minimum requirements of procedural due process for all persons [shall] [should] include those in WAC 172-114-030(10) and:

(a) The University Disciplinary Committee should include both faculty and student members.

(b) The decision of the University Disciplinary Committee should be final, subject only to the right of appeal by parties concerned.

(12) Dual Membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in

the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-030, filed 8/16/78; Order 74-8, § 172-114-030, filed 11/1/74; Order 72-9, § 172-114-030, filed 9/20/72.]

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 172-114-040 Article III--Legislation. (1) The legislative powers of the A.S. shall be vested in the legislature and may not be transferred.

(2) All legislation shall include: The names of the sponsor(s), date of introduction, committee referred to—if any, disposition, and date of disposition, signatures of A.S. Speaker and A.S. President; take effect immediately upon signature by the A.S. President or override of his veto by the A.S. Legislature; and shall continue in effect until five years from the last date of signature or override or until rescinded.

(3) The voting members of the legislature shall consist of fifteen representatives known as legislators, elected by numbered, at-large positions for one year terms. The legislators shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 5, elected Fall Quarter; Positions 6 through 10, elected Winter Quarter; Positions 11 through 15, elected Spring Quarter. Provided, that no person may hold more than one voting seat in the legislature, and the A.S. President and A.S. Vice President may not hold voting seats in the legislature.

(4) Candidates/members for/of the legislature shall be members of the A.S. and have/maintain a two point cumulative grade point average, be enrolled for and complete six credit hours in the previous quarter (excluding summer quarter), and have at least one quarter in residence. A legislator's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding summer quarter), or declaration of nonperformance of duties stated in this Constitution, or violation of this Constitution, by the A.S. Superior Court. Legislators who miss three full regularly scheduled consecutive meetings or four full regularly scheduled meetings during a quarter shall have their seat declared vacant by the A.S. Speaker. All vacancies shall be filled for the balance of the term at the next regularly scheduled election.

(5) The legislature shall be the judge of all of the A.S. election returns and of the qualifications of its legislators and a majority of its legislators shall constitute a quorum; there shall be no proxy voting; and there shall be no secret balloting.

(6) The legislature shall meet not less than once each month during Fall, Winter, and Spring Quarters, and at special meetings called by the Speaker, one-third of its legislators, or by the presentation to the President of a petition signed by five percent of the A.S. All meetings shall be open to the public, a record shall be kept of the

votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(7) The legislature shall have the following powers and duties:

(a) Be responsible for its own organization, election of legislative committees, the employment and supervision of those employees whom it deems necessary to assist it or individual legislators in the exercise of their legislative duties and powers, provided it budgets for same, and said salaries shall not exceed a cabinet member's salary.

(b) Elect an A.S. legislator to the position of Speaker the third meeting of Fall, Winter, and Spring Quarters, who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker's office shall be filled in the same manner for the balance of the unexpired term.

(c) Elect an A.S. legislator to the position of Speaker Pro-Tem the third meeting of Fall, Winter, and Spring Quarters who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker Pro-Tem's office shall be filled in the same manner for the balance of the unexpired term.

(d) The legislature shall elect from among its members a Legislative Coordinator to serve during Summer Quarter who may receive a salary not to exceed that of a cabinet member.

(e) Shall enforce this Constitution.

(f) May remove a cabinet officer for nonperformance of duties or violation of this Constitution.

(g) May request the A.S. Superior Court to find the A.S. President guilty of nonperformance of duties stated in this Constitution or violation of this Constitution.

(h) Upon a two-thirds vote of the A.S. Legislature, the A.S. President may be recalled as described in WAC 172-114-080(5).

(i) No legislative committee shall have the authority to delay presentation to the full legislature legislation referred to it for more than two meetings without permission of the sponsor.

(j) Budget and disbursal of all funds on behalf of A.S.

(k) Cause to have published an annual Financial Statement and Audit.

(l) Establish policies for and have supervision of all officials, budgets, committees, and organizations.

(m) Render advice upon and approve or reject all appointments made by officials of the Associated Students of Eastern Washington University.

(n) Publish the A.S. Committee Manual stating the membership, eligibility, purpose, and duties of each committee.

(o) Approve and remove persons to and from committees.

(p) Enact all legislation necessary to ensure that its policies are enforced.

(q) Do anything else necessary or convenient to carry out this Constitution.

(r) By a two-thirds vote of the A.S. Legislature, the A.S. Legislature may override a veto by the A.S. President.

(8) The Speaker shall have the following powers and duties: Prepare the agenda for and chair all meetings of the legislature; call meetings of the legislature; prepare a schedule of regular meetings at the beginning of Fall, Winter, and Spring Quarters for the advice and consent of the A.S. Legislature; appoint a clerk and other assistants which may be beneficial to the performance of his office or the functioning of the legislature, with its advice and consent, and to request salaries for the same, not to exceed a cabinet member's salary; shall be responsible for executing legislative decisions; all administrative matters of the legislature; make all legislative appointments, except as otherwise provided in this Constitution, subject to the advice and consent of the legislature; assume the duties of the Vice President during the Vice President's absence or disability or vacancy of the office of Vice President until the vice presidential vacancy is filled as provided for in Article IV, section (2) (WAC 172-114-050(2)); and to do all things necessary or convenient to carry out such duties not in conflict with this Constitution. [Statutory Authority: RCW 28B.40.120(1). 78-09-029 (Resolution 78-03), § 172-114-040, filed 8/16/78; Order 75-8, § 172-114-040, filed 7/24/75; Order 75-5, § 172-114-040, filed 5/9/75; Order 74-8, § 172-114-040, filed 11/1/74; Order 74-5, § 172-114-040, filed 6/5/74; Order 72-9, § 172-114-040, filed 9/20/72.]

WAC 172-114-050 Article IV—Executive. (1) The executive power of the A.S. shall be vested in the A.S. President and A.S. Vice President and may not be transferred.

(2) Candidates for the offices of and the A.S. President and A.S. Vice President shall be members of the A.S., shall have/maintain a two point cumulative grade average, be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter for the A.S. Vice President), shall have a minimum of five quarters as a full-time student, at least three of which shall be in residence at the university immediately prior to election for office. The A.S. President's and A.S. Vice President's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding Summer Quarter for the A.S. Vice President), or declaration of nonperformance of duties [states] [stated] in this Constitution or violation of this Constitution, by the A.S. Superior Court. In case of vacancy in the office of the presidency, the Vice President shall assume the presidency for the balance of the unexpired term.

(3) The President and Vice President shall serve one year terms, or until a successor takes office, taking office on the ninth Thursday of the quarter in which they are elected, which shall be Spring Quarter.

(4) The President shall serve as the chief executive officer and representative of A.S.; shall enforce this Constitution; shall be responsible for executing legislative and judicial decisions; shall present to the legislature, at its first meeting of each quarter, his executive request legislation; may veto any legislative bill or supplemental budget passed by the A.S. Legislature within

three working days of passage; shall sign all legislation within three working days of passage or override of veto by the A.S. Legislature; may create cabinet positions and appoint cabinet officers with the advice and consent of the legislature, who will serve at his pleasure except as provided for in Article III, section (7)(f) (WAC 172-114-040(7)(f)), and request salaries for such cabinet officers not to exceed the limit in Article VIII, section (7) (WAC 172-114-090(7)); make all appointments in an expeditious manner, except as otherwise provided for in this Constitution, subject to the advice and consent of the legislature; shall hold twice a month executive meetings with the A.S. Vice President, Cabinet, Speaker, and Speaker Pro-Tem while the university is in session; all administrative matters and programs of A.S. except as otherwise provided for in this Constitution; may request the A.S. Superior Court to find an A.S. Legislator guilty of nonperformance of his duties stated in this Constitution or violation of this Constitution; and do all things necessary or convenient to carry out such duties not in conflict with this Constitution.

(5) The Vice President shall assume the office of A.S. President upon that position being vacant as provided for in Article IV, section (2) (WAC 172-114-050(2)); assume any duties delegated by the President; shall supervise all A.S. elections; shall be responsible for validating all petitions; and assume the duties of the President during the President's absence or disability. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-050, filed 8/16/78; Order 75-8, § 172-114-050, filed 7/24/75; Order 75-5, § 172-114-050, filed 5/9/75; Order 74-8, § 172-114-050, filed 11/1/74; Order 74-5, § 172-114-050, filed 6/5/74; Order 72-9, § 172-114-050, filed 9/20/72.]

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 172-114-060 Article V--Elections. (1) There shall be a regular A.S. election on the eighth Thursday of Fall, Winter, and Spring quarters; it shall be preceded by a primary election one week prior; filing shall close one week prior to the primary election and shall open one week prior to closing.

(2) The positions of legislators, President, Vice President, and vacancies therein shall be filled through regular elections with a majority of ballots cast being required for election.

(3) All those candidates who filed in the A.S. office by 5:00 o'clock P.M. on the last day of filing and are qualified shall have their names entered on the primary election ballot. The two candidates receiving the most votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot: *Provided, however,* That in case of a tie for the second most votes in the primary, the three candidates receiving the most votes for that office who are qualified shall have their names entered on the final election ballot.

(4) Should no candidate receive a majority in the final election, a run-off election shall be held one week after

the final election between the two persons receiving the most votes in the final election, who are qualified, and only ballots for those two persons shall be counted: *Provided, however,* That in case of a tie for the second most votes in the final election, the run-off election shall be between the three candidates receiving the most votes for the office, and only ballots for those three persons shall be counted.

(5) Should no candidate receive a majority in a run-off election, the legislature shall select the winner from between those entered on the run-off election ballot, by a majority of the legislators at its next meeting.

(6) All votes shall be cast by secret ballot. The names of the candidates shall appear on the ballot in the order in which filed. All ballots shall be kept under lock and key for six months after each election.

(7) The polls shall be located at:

(a) Pence Union Building;

(b) Tawanka Commons; and

(c) As otherwise provided for by the legislature.

The polls shall be open from 8:00 o'clock a.m. until 7:00 o'clock p.m., and members of A.S. shall be allowed to vote upon presentation of suitable identification, providing that they shall be allowed to vote but once in each election.

(8) Any member of A.S. may present an "Application of Absent Voter" form to the Office of A.S. Vice President or his/her designee for an absentee voter ballot.

(9) Two election clerks shall be assigned to each polling place and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling place. They may not be, nor related to, any current student. They shall be employed through the office of the A.S. Vice President. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-060, filed 8/16/78; Order 75-8, § 172-114-060, filed 7/24/75; Order 74-8, § 172-114-060, filed 11/1/74; Order 74-5, § 172-114-060, filed 6/5/74; Order 72-9, § 172-114-060, filed 9/20/72.]

WAC 172-114-070 Article VI--Judicial. (1) The judicial authority of the A.S. shall be vested in a Superior Court and such lesser courts as the A.S. Legislature may from time to time establish. The judges, both of the Superior and lesser courts, shall be members of the A.S., have/maintain a two point cumulative grade average[,] and be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter). Members of the Superior Court and lesser courts shall serve until they resign, cease to be a member of A.S. (excluding Summer Quarter), or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths of the legislators and tried by the University Disciplinary Committee.

(2) The Superior Court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of judicial review.

(3) No court may render an opinion, hear evidence, nor pass judgment in the absence of a quorum, which shall be a majority of the court.

(4) The Superior Court shall consist of seven Justices who shall select from their members one who shall serve as Chief Justice, the others serving as Associate Justices. It shall be the duty of the Chief Justice to preside as chairman and chief officer at all meetings of the Superior Court and may appoint a court clerk and other assistants which may be beneficial to the functioning of the Superior Court, with the advice and consent of the legislature, and to request salaries for the same, not to exceed a cabinet member's salary.

(5) The Justices of the Superior Court shall be appointed by the President with the advice and consent of the legislature. Vacancies shall be filled in the same manner.

(6) The procedure of the judicial shall follow those principles of United States law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all Superior Court case records and court decisions and opinions shall be maintained in the University Library.

(7) The Superior Court and lesser courts shall hear all cases and render opinions in as expeditious manner as is possible. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-070, filed 8/16/78; Order 72-9, § 172-114-070, filed 9/20/72.]

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 172-114-080 Article VII--Rescind, recall, initiative, referendum, and inspection of records. (1) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., any act of any official, committee, or organization existing under the A.S. may be rescinded or amended as described in WAC 172-114-080(5).

(2) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., any elected official of the A.S. may be recalled as described in WAC 172-114-080(5).

(3) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., the Legislature shall provide for an initiative as described in WAC 172-114-080(5) and (6).

(4) The Legislature shall provide for a referendum vote whenever a majority of the legislators approve the presentation of such as described in sections WAC 172-114-080 (5) and (6).

(5) Such rescind, recall, initiative, or referendum shall be submitted to the members of the A.S. at the next regular election, or at a special election called earlier by the Legislature for that purpose; provided, however, that if the proposed initiative is enacted by the Legislature prior to the election, it shall not be placed on the ballot nor voted upon. The rescind, recall, initiative, or referendum measure shall be adopted if a majority of those voting on the measure vote in favor of it; whereupon the measure shall become effective immediately.

(6) Any initiative or referendum shall be binding upon the A.S., its officials, committees, and organizations until five (5) years from the last date of passage or until rescinded. Such legislation may only be rescinded by a subsequent initiative or referendum election.

(7) All official documents shall be open for public inspection. [Order 74-8, § 172-114-080, filed 11/1/74; Order 72-9, § 172-114-080, filed 9/20/72.]

WAC 172-114-090 Article VIII--Budgeting. (1) The budgeting authority of the A.S. shall be vested in the legislature and may not be transferred.

(2) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding two fiscal years and requested appropriations for the next fiscal year; and shall include any proposed capital improvement program for the next six fiscal years.

(3) Copies of the budget shall be delivered to each member of the legislature and be available to any member of the university community upon request.

(4) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(5) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by his action; providing the legislature may permit the A.S. to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years.

(6) Regular budgets shall be those budgets adopted during Spring Quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year.

(7) The A.S. President and A.S. Speaker shall receive quarterly salaries based upon the following formula: Quarterly cost of in-state tuition, double occupancy room and board, and \$100 for expenses. The A.S. Vice President shall receive a quarterly salary, except for Summer Quarter, based upon the following formula: Quarterly cost of in-state tuition and double occupancy room and board. Cabinet officers may be paid no more than one-half of the A.S. President's salary. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-090, filed 8/16/78; Order 74-8, § 172-114-090, filed 11/1/74; Order 74-5, § 172-114-090, filed 6/5/74; Order 72-9, § 172-114-090, filed 9/20/72.]

WAC 172-114-100 Parliamentary authority. For procedures not covered by the A.S. Constitution, By-laws, and special rules, the latest edition of *Robert's*

Rules of Order, Newly Revised, shall govern. [Order 72-9, § 172-114-100, filed 9/20/72.]

WAC 172-114-110 Amendments. (1) This Constitution may be amended by a two-thirds vote of those voting on the proposed modification at any regular election provided that 15% of the members of A.S. vote in that election. If [so] adopted, it shall become effective upon approval, as prescribed under Administrative Procedures Act hearing rules, by the board of trustees.

(2) Proposed constitutional amendments shall be presented to the members of the A.S. for approval upon the request of at least two-thirds of the voting members of the legislature or upon petition of at least ten percent of the A.S.

(3) The bylaws may be amended by a two-thirds vote of the voting members of the legislature providing that previous written notice of such amendment has been given at the previous meeting, or by a majority of those voting on the proposed modification at any regular election and if so adopted shall become effective immediately.

(4) Proposed bylaws amendments shall be presented to the members of the A.S. for approval upon the request of at least one-half of the voting members of the legislature or upon at least ten percent of the members of the A.S.

(5) Approved constitutional and bylaws amendments shall be incorporated into the article, section, and clause of the Constitution or bylaws to which they refer. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-110, filed 8/16/78; Order 74-5, § 172-114-110, filed 6/5/74; Order 72-9, § 172-114-110, filed 9/20/72.]

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.

Chapter 172-116 WAC TRAFFIC AND PARKING REGULATIONS

WAC

172-116-010	Introduction.
172-116-020	Purposes of regulations.
172-116-030	Applicable rules and regulations.
172-116-040	Authority of officers.
172-116-050	Permits required to park on college property.
172-116-060	Definition of valid parking permit.
172-116-080	Display of permits.
172-116-090	Responsibility of persons to whom permits are issued.
172-116-100	Allocation of parking space and priorities of applicants.
172-116-110	Faculty and staff permits.
172-116-120	Student permits.
172-116-130	Handicapped parking.
172-116-140	Special permits.
172-116-150	Visitors' permits.
172-116-160	Car pool permits.
172-116-170	Permit revocations.
172-116-175	Hearing provided.
172-116-185	Special events parking.
172-116-190	Parking areas on campus.
172-116-200	Prohibited areas.
172-116-210	Parking within designated spaces.
172-116-220	Abandoned, disabled, and inoperative vehicles.

172-116-230	Impounding or immobilizing illegally parked vehicles.
172-116-240	Liability of college.
172-116-250	Parking violations.
172-116-260	Regulatory signs.
172-116-270	Rules and regulations available.
172-116-280	Special traffic and parking regulations and restrictions authorized.
172-116-290	Effective hours of operation.
172-116-300	Fees.
172-116-310	Fines.
172-116-315	Student appeal.
172-116-320	Nonpayment of fines.
172-116-330	Disposition of fees and fines.
172-116-340	Refunds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-116-070	Where to purchase permits. [Order 72-10, § 172-116-070, filed 9/20/72.] Repealed by Order 75-4, filed 4/10/75.
172-116-180	Athletic parking. [Order 72-10, § 172-116-180, filed 9/20/72.] Repealed by Order 75-4, filed 4/10/75.

WAC 172-116-010 Introduction. The rules and regulations provided in this chapter have been established by the board of trustees of Eastern Washington State College acting on behalf of Eastern Washington State College to govern pedestrian traffic and vehicular traffic and parking upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington State College. [Order 72-10, § 172-116-010, filed 9/20/72.]

WAC 172-116-020 Purposes of regulations. The purposes of these regulations are:

(1) To control parking on college owned or college leased parking lots.

(2) To assure access at all times for emergency equipment.

(3) To expedite Eastern Washington State College business, protect state property, and provide maximum safety and convenience.

(4) To provide funds to obtain and maintain suitable campus parking and traffic facilities. [Order 74-1, § 172-116-020, filed 1/24/74; Order 72-10, § 172-116-020, filed 9/20/72.]

WAC 172-116-030 Applicable rules and regulations. The traffic and parking regulations which are applicable upon state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington State College are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) The traffic code of the city of Cheney; and

(3) Special regulations set forth in this chapter. [Order 72-10, § 172-116-030, filed 9/20/72.]

WAC 172-116-040 Authority of officers. The employees of the Eastern Washington State College Office of Campus Safety when duly sworn shall be peace officers of the State of Washington and have such police powers as are vested in sheriffs and peace officers generally under the laws of the State of Washington pursuant to RCW 28B.10.550, RCW 28B.10.555, and by

board resolution through which the Board of Trustees of Eastern Washington State College did commission campus safety officers as peace officers of the State of Washington. Non-commissioned personnel of Eastern Washington State College Office of Campus Safety shall have authority to enforce traffic and parking regulations on state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington State College. [Order 75-4, § 172-116-040, filed 4/10/75; Order 74-1, § 172-116-040, filed 1/24/74; Order 72-10, § 172-116-040, filed 9/20/72.]

WAC 172-116-050 Permits required to park on college property. Except as provided in subsections (1), (2), and (5) of this section, no student, faculty, or staff members shall park upon the land of Eastern Washington State College without a permit issued by the Vice President for Business and Management of his authorized designee pursuant to the authority granted by the Board of Trustees of Eastern Washington State College.

(1) Visitors to the campus may park in college parking lots in spaces provided for their use and marked accordingly. Visitors shall secure a guest parking permit from the Office of Campus Safety. These permits shall be issued without charge.

(2) Vehicles owned by the government of the United States of America, the state of Washington, or any of its political subdivisions, may be parked in any college parking lot without a permit, except that they may not be parked in reserved or handicapped parking spaces.

(3) No vehicle shall be parked on college land except in those areas set aside as parking places or areas.

(4) No vehicle longer than a 3/4-ton pickup truck, no camper, trailer, or bus, and no pickup equipped with a camper shall park on a college parking lot without the special permission of the campus police chief.

(5) Any vehicle, parking in a college parking lot which requires cash payment to park or which has been set aside for free parking, is not required to display a college parking permit. [Order 75-4, § 172-116-050, filed 4/10/75; Order 72-10, § 172-116-050, filed 9/20/72.]

WAC 172-116-060 Definition of valid parking permit. A parking permit is a certification of permission to park in designated lots on the Eastern Washington State College campus.

(1) The parking permit shall consist of a decal denoting the assigned parking lot and the academic quarter for which the vehicle is registered to park.

(2) A guest permit shall consist of a card issued by the office of campus safety and showing the name of the guest, the type and license number of the vehicle, the parking lot to which assigned, and the expiration date of the permit.

(3) Any parking permit shall be issued subject to the rules and regulations stated herein and shall be displayed on the vehicle in accordance with such rules and regulations. [Order 72-10, § 172-116-060, filed 9/20/72.]

WAC 172-116-080 Display of permits. The parking permit will be placed on the upper edge of the rear bumper on the left hand (driver's) side of the vehicle. Guest permits shall be attached to the interior rear view mirror or visibly placed on the dash in front of the steering wheel.

(1) Permits not displayed in accordance with the provisions of this section shall not be valid.

(2) Vehicles using straight-in or diagonal parking spaces shall park with the front of the vehicle headed into said spaces or toward the curb. [Order 75-4, § 172-116-080, filed 4/10/75; Order 72-10, § 172-116-080, filed 9/20/72.]

WAC 172-116-090 Responsibility of persons to whom permits are issued. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the vehicle for which the permit was issued and to which it was affixed; provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations. [Order 72-10, § 172-116-090, filed 9/20/72.]

WAC 172-116-100 Allocation of parking space and priorities of applicants. The parking space available on the campus shall be allocated by the campus police chief among applicants for permits in such a manner as will best effectuate the objectives of these rules and regulations as stipulated in WAC 172-116-020. In making such allocation of parking spaces, the campus police chief may consult with and receive the advice of the safety committee of Eastern Washington State College. Unless in his opinion the objectives of these regulations would otherwise be better served, the campus police chief shall observe the following priorities in the issuance of permits to applicants:

(1) Faculty members, administrative staff, and students who are physically handicapped and meet the eligibility requirements of WAC 172-116-130.

(2) Faculty and administrative staff who require a vehicle to go to and from work, and who reserve parking.

(3) Faculty and administrative staff who require a vehicle to go to and from work, but do not reserve parking.

(4) Students attending college, who have vehicles and desire to park said vehicles on college parking lots.

(5) Persons requiring special consideration must contact the office of Campus Safety three (3) weeks prior to the ending of the preceding quarter for each quarter where special consideration is needed. Items (1) through (4) of this section shall govern this application. Otherwise, parking spaces and lots shall be allocated on a first come-first served basis. [Order 75-4, § 172-116-100, filed 4/10/75; Order 72-10, § 172-116-100, filed 9/20/72.]

WAC 172-116-110 Faculty and staff permits. Any member of the faculty and any staff member whose employment is at least half time shall be eligible for a faculty and staff parking permit.

(1) Annual reserved parking stalls or parking spaces will be provided for those faculty and staff members requesting the same. Upon payment of the fee for such reserved parking, a sign shall be erected reserving the stall by the permit number of the vehicle or vehicles which shall be allowed to park in that space. Quarterly reserved parking stalls or parking spaces are not available.

(2) Faculty and staff members shall be assigned to lots, and are restricted to parking in the assigned lot unless issued a special permit authorizing parking in other lots as provided in WAC 172-116-140.

(3) Faculty and staff members owning more than one (1) vehicle and wishing to park more than one vehicle on campus will, at the time of original purchase and upon request, be issued more than one parking permit, provided that only one (1) vehicle shall be parked on campus lots at one time. Such additional permits shall be issued for a handling fee of one dollar (\$1.00).

(4) Part-time faculty and consultants to the college may secure a guest permit as provided in WAC 172-116-150. [Order 75-4, § 172-116-110, filed 4/10/75; Order 74-1, § 172-116-110, filed 1/24/74; Order 72-10, § 172-116-110, filed 9/20/72.]

WAC 172-116-120 Student permits. Students who commute to campus and students living in campus dormitories who wish to park their vehicles on campus must purchase a student permit. [Order 72-10, § 172-116-120, filed 9/20/72.]

WAC 172-116-130 Handicapped parking. Spaces or stalls shall be set aside in certain parking lots adjacent to campus buildings for the exclusive use of handicapped faculty members, administrative staff, and students whose physical condition makes it difficult to go to and from classes and buildings.

(1) Persons wishing to utilize handicapped parking spaces must register as a handicapped person at the time that the parking permit is issued. The applicant may be required to secure a written statement from a qualified physician outlining the nature of the handicap and recommended preferred parking.

(2) A person temporarily handicapped by injury or illness may be authorized to utilize handicapped parking by presenting a statement from his or her physician outlining the nature of the handicap and recommending preferred parking. Permission to use handicapped parking on a temporary basis shall be extended only for the period of the handicap, and shall be revoked when the person returns to normal health. [Order 72-10, § 172-116-130, filed 9/20/72.]

WAC 172-116-140 Special permits. Faculty and staff members may be issued special permits authorizing parking in any campus lot when their vehicle is used in connection with their duties as employees of Eastern Washington State College. Parking in a lot other than that to which originally assigned shall be on a "space available" basis only, and shall not authorize such faculty or staff member to park in a reserved or handicapped space or stall. Applications for special permits

shall be approved by the Vice President for Business and Management after review and written recommendation by his designees. [Order 75-4, § 172-116-140, filed 4/10/75; Order 74-1, § 172-116-140, filed 1/24/74; Order 72-10, § 172-116-140, filed 9/20/72.]

WAC 172-116-150 Visitors' permits. Guests, visitors, salesmen, servicemen, vendor representatives, and others doing business with the institution may be issued visitors' permits allowing them to park in designated lots on campus. Such permits are issued without charge at the discretion of the campus police chief upon request by the owner/operator of the parked vehicle.

(1) Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to college employees or students.

(2) Visitors' permits shall not allow the user to park in reserved or handicapped spaces or stalls.

(3) Visitors' permits shall be in the form provided in WAC 172-116-060(2). [Order 75-4, § 172-116-150, filed 4/10/75; Order 72-10, § 172-116-150, filed 9/20/72.]

WAC 172-116-160 Car pool permits. Duplicate parking permits shall be issued to each car pool but shall not exceed five (5) in number for each pool. A fee of One Dollar (\$1.00) is assessed for each duplicate issued. At no time shall more than one (1) vehicle bearing the duplicate decal number be parked in college parking lots. [Order 75-4, § 172-116-160, filed 4/10/75; Order 72-10, § 172-116-160, filed 9/20/72.]

WAC 172-116-170 Permit revocations. Parking permits are the property of the college and may be recalled, revoked, or suspended for violation of any provision of these parking regulations and without right to prior notice or hearing for the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists, the permit may be revoked.

(2) When a permit is used on an unregistered vehicle or by an unauthorized individual, the permit may be revoked, and the vehicle and/or permit holder shall be subject to citation.

(3) Falsification on a parking permit application shall be grounds for permit revocation.

(4) Continued violations of parking regulations shall be grounds for permit revocation.

(5) Counterfeiting or altering of parking permits shall be grounds for permit revocation. [Order 72-10, § 172-116-170, filed 9/20/72.]

WAC 172-116-175 Hearing provided. Cancellation or revocation of any parking permit because of any of the causes stated in WAC 172-116-170(2) through (5) may be appealed to the vice president for business and management, who shall then refer the matter to a hearing before a special hearing officer designated by the vice president. The hearing shall conform to the due process requirements of the Eastern Washington State

College student code and the decision of the hearing officer shall be final. [Order 72-10, § 172-116-175, filed 9/20/72.]

WAC 172-116-185 Special events parking. Persons attending scheduled special events at Eastern Washington State College may park in college parking lots during the event, on a "space available" basis and subject to any posted limitations, but no vehicle so parked shall occupy a reserved or handicapped space or stall. [Order 75-4, § 172-116-185, filed 4/10/75.]

WAC 172-116-190 Parking areas on campus. Each authorized parking lot on the Eastern Washington State College campus shall be designated as such by a sign proclaiming that it is a parking lot and that only registered vehicles shall be allowed to park therein, excepting those lots requiring cash payment or which have been set aside for free parking. Each lot will be given a separate and distinguishing number or letter, and only vehicles assigned to that lot shall be allowed to park therein, except as provided in WAC 172-116-050(5) and WAC 172-116-140. [Order 72-10, § 172-116-190, filed 9/20/72.]

WAC 172-116-200 Prohibited areas. No vehicle shall be parked in any driveway, emergency access, sidewalk, lawn, or any other area not designated as a parking lot. Unless otherwise provided for, no vehicle shall be parked within sixteen (16) feet of any building or structure on the Eastern Washington State College campus or in any area where a "no parking" sign is posted. [Order 72-10, § 172-116-200, filed 9/20/72.]

WAC 172-116-210 Parking within designated spaces. (1) No vehicle shall be parked so as to occupy any portion of more than one (1) parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than once space or stall shall not constitute an excuse for a violation of this section.

(2) Certain areas may be set aside for the parking of compact vehicles and shall be so designated. Any other vehicle using such a space shall be subject to citation, impound, or both. [Order 72-10, § 172-116-210, filed 9/20/72.]

WAC 172-116-220 Abandoned, disabled, and inoperative vehicles. No disabled or inoperative vehicle shall be parked on the campus for a period in excess of seventy-two (72) hours. Vehicles which have been parked for periods in excess of seventy-two (72) hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage. [Order 72-10, § 172-116-220, filed 9/20/72.]

WAC 172-116-230 Impounding or immobilizing illegally parked vehicles. The campus police chief or his

authorized designee may order the impound and storage of, or immobilization of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped or visitor's space, or having three (3) or more unpaid citations against said vehicle. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. The owner or operator of the impounded vehicles shall not recover his vehicle until he has paid a fine in the amount of Five Dollars (\$5.00) to the college. In either case, all outstanding parking citations shall be paid prior to release of the impounded or immobilized vehicle. Neither the college nor its employees or representatives shall be liable for loss or damage of any kind resulting from such impounding, storage, or immobilization. [Order 75-4, § 172-116-230, filed 4/10/75; Order 74-1, § 172-116-230, filed 1/24/74; Order 72-10, § 172-116-230, filed 9/20/72.]

WAC 172-116-240 Liability of college. The college assumes no liability for vehicles parked on college properties. The college rents space to individuals desiring to park on the campus and who purchase a parking permit. However, no bailment is created by the purchase of a permit. [Order 72-10, § 172-116-240, filed 9/20/72.]

WAC 172-116-250 Parking violations. The following designated acts or practices will be deemed parking violations for which a violation citation may issue, impound occur, or both, in regard to:

(1) Parking a vehicle in a campus lot in which registration and permits are required, when such vehicle is not registered or does not display a valid permit.

(2) Parking a vehicle in a space or stall reserved by a faculty or staff member, unless the parked vehicle is registered for that space or stall.

(3) Parking a vehicle in a space or stall reserved for handicapped students not displaying a handicapped parking permit.

(4) In those lots in which a parking permit is required for such specific lot, parking a vehicle that does not display a parking permit authorizing parking in such designated lot.

(5) Parking a vehicle in such a manner as to occupy more than one (1) space or stall.

(6) Parking a vehicle in an area not specifically posted for parking, such as service areas, driveways, loading zones, or areas with yellow curb.

(7) Parking vehicles registered for student, faculty, or staff parking in a space or stall reserved for visitor parking.

Vehicles in violation of one (1) or more of these rules and regulations shall be subject to citation on one or more of the violations and may be given more than one citation. The fact that that particular violation does not appear in this section, shall not be construed to mean that a violation of any of the remainder of the rules contained in this chapter does not exist, and shall not invalidate the citation lawfully issued under these rules, or be a defense for the appeal of the citation or limit the

culpability of the person to whom the citation is issued. [Order 74-1, § 172-116-250, filed 1/24/74; Order 72-10, § 172-116-250, filed 9/20/72.]

WAC 172-116-260 Regulatory signs. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees posted by the college. Drivers of vehicles shall also comply with directions given them by campus safety officers or other representatives of the office of campus safety in the control and regulations of traffic and parking. [Order 72-10, § 172-116-260, filed 9/20/72.]

WAC 172-116-270 Rules and regulations available. These rules and regulations shall be made available at the college information center and other appropriate locations on campus and shall be available in abbreviated form to all persons securing a parking permit at Eastern Washington State College. Not being familiar with, or ignorance of one or more of these rules and regulations shall not constitute a defense for violation of a rule or regulation and shall not limit the culpability of a person to whom the violation citation is issued. [Order 75-4, § 172-116-270, filed 4/10/75; Order 72-10, § 172-116-270, filed 9/20/72.]

WAC 172-116-280 Special traffic and parking regulations and restrictions authorized. Upon special occasions causing additional heavy traffic, during emergencies, or during construction of campus facilities, the President of the college, the Vice President for Business and Management, or the campus police chief, or their authorized designees, are authorized to impose additional traffic and parking regulations or modify the existing rules and regulations for the achievement of the general objectives provided in WAC 172-116-020. [Order 75-4, § 172-116-280, filed 4/10/75; Order 72-10, § 172-116-280, filed 9/20/72.]

WAC 172-116-290 Effective hours of operation. The traffic and parking regulations shall be effective at all times. [Order 72-10, § 172-116-290, filed 9/20/72.]

WAC 172-116-300 Fees. All faculty, staff, and student vehicles shall be issued parking permits upon payment of the fees listed below, under the priorities of WAC 172-116-100.

(1) The fee for parking in any lot east of Washington Street and south of Elm Street shall be Seven Dollars and Fifty Cents (\$7.50) per quarter, for every quarter or portion thereof.

(2) The annual fee for faculty, staff, and student parking in any lot east of Washington Street and south of Elm Street shall be Twenty-Two Dollars and Fifty Cents (\$22.50) per year.

(3) Reserved parking for faculty and staff shall be at the rate of Forty-Five Dollars (\$45.00) per year.

(4) The fee for parking in any lot west of Washington Street north of Elm Street, excepting those lots requiring cash payment or which have been set aside for free

parking, shall be Five Dollars (\$5.00) per quarter, for every quarter or portion thereof.

(5) The annual fee for parking in any lot west of Washington Street north of Elm Street, excepting those lots requiring cash payment or which have been set aside for free parking, shall be Fifteen Dollars (\$15.00) per year.

(6) To ensure the availability of a parking space in the same lot, persons returning for the following academic year may purchase their parking decals during the last two (2) weeks of Spring Quarter by paying fees as specified in WAC 172-116-300(1) through (5) above. [Order 75-4, § 172-116-300, filed 4/10/75; Order 72-10, § 172-116-300, filed 9/20/72.]

WAC 172-116-310 Fines. Citations issued to faculty, staff or students of Eastern Washington State College shall be payable at the following rates:

(1) Fines for Class A parking citations paid within a twenty-four (24) hour period shall be Three Dollars (\$3.00), payable at the Campus Safety Office. Fines for Class B parking citations paid within a twenty-four (24) hour period shall be One Dollar (\$1.00), payable at the Campus Safety office. In cases where the citation is issued the day before a holiday or weekend and the fine may be paid the following workday without additional penalty.

(2) Fines for Class A parking citations paid after twenty-four (24) hours, but within seven (7) days, shall be Six Dollars (\$6.00), payable at the Campus Safety office. Fines for Class B parking citations paid after twenty-four (24) hours but within seven (7) days shall be Two Dollars (\$2.00), payable at the Campus Safety office.

(3) Fines for Class A parking citations paid after a period of seven (7) days shall be Nine Dollars (\$9.00), payable at the Campus Safety office. Fines for Class B parking citations paid after a period of seven (7) days shall be Three Dollars (\$3.00), payable at the Campus Safety office.

(4) Fines for parking citations referred to the Cheney Justice Court shall be at the rate determined by the judge of said Justice Court and payable to the court.

(5) Fines levied on students by the student traffic court upon appeal by the person to whom the citation was issued shall be not more than Six Dollars (\$6.00) for Class A citations and Two Dollars (\$2.00) for Class B Citations provided that said appeal is made prior to the expiration of seven (7) days after the citation is issued. Said fines are payable at the Campus Safety office.

(6) Class A citations shall include: parking in safety zones, service drives, handicapped spaces, reserved spaces, bus zones, or within fifteen (15) feet of a fire hydrant. All other parking violations shall be Class B. [Order 75-4, § 172-116-310, filed 4/10/75; Order 74-1, § 172-116-310, filed 1/24/74; Order 72-10, § 172-116-310, filed 9/20/72.]

WAC 172-116-315 Student appeal. Students may appeal citations to the Associated Student Traffic Court

within seven (7) calendar days of violation. [Order 75-4, § 172-116-315, filed 4/10/75.]

WAC 172-116-320 Nonpayment of fines. Students, faculty, or staff who do not pay the fines listed above within seven (7) days of the issuance of the citation shall be subject to referral to the Cheney Justice Court. Citations so referred will result in the issuance of a summons from the Cheney Justice Court. Failure to comply with the summons of the Justice Court shall result in an arrest warrant issued for the owner and/or operator of the vehicle to which the citation is issued. [Order 75-4, § 172-116-320, filed 4/10/75; Order 72-10, § 172-116-320, filed 9/20/72.]

WAC 172-116-330 Disposition of fees and fines. The vice president for business and management shall deposit all proceeds from fees and fines collected pursuant to these regulations in the general local fund of the college. All costs of operating, maintaining, and patrolling the campus parking lots and all direct costs of administering these regulations shall be charged against this fund. The vice president for business and management shall make an annual report of the surplus of revenue over expenses to the president. Such surplus funds as may be realized shall be available for the construction of additional parking facilities as the board of trustees deems necessary. [Order 72-10, § 172-116-330, filed 9/20/72.]

WAC 172-116-340 Refunds. Students, faculty, and staff members holding annual permits who terminate their education or employment with the college during the year, or who, for any other reason, no longer require a parking permit, may receive a refund under the schedule below:

(1) Students, faculty, and staff members with annual permits to park in lots east of Washington Street and south of Elm Street may receive a refund of Fifteen Dollars (\$15.00) if application is made prior to the close of Fall Quarter or Seven Dollars and Fifty Cents (\$7.50) if application is made prior to the close of Winter Quarter.

(2) Students, faculty, and staff members with annual permits to park in lots west of Washington Street or north of Elm Street may receive a refund of Ten Dollars (\$10.00) if application is made prior to the close of Fall Quarter and Five Dollars (\$5.00) if application is made prior to the close of Winter Quarter.

(3) Faculty and staff members holding annual reserve parking permits may receive a refund of Thirty Dollars (\$30.00) if application is made prior to the close of Fall Quarter and Fifteen Dollars (\$15.00) if application is made prior to the close of Winter Quarter.

(4) Applications for refund must be accompanied by the parking permit or the scrapings thereof.

(5) Persons holding quarterly permits shall not be eligible for a refund of the parking fee unless such refund is made for the convenience of the college. [Order 75-4, § 172-116-340, filed 4/10/75; Order 72-10, § 172-116-340, filed 9/20/72.]

Chapter 172-118 WAC

TRAFFIC AND PARKING REGULATIONS FOR BICYCLES, MOTORCYCLES, AND MOTORSCOOTERS

WAC

172-118-010	Purpose.
172-118-020	Bicycles, motorcycles, and motorscooters defined.
172-118-030	Applicable rules and regulations.
172-118-040	Operation of bicycles, motorcycles, and motorscooters.
172-118-050	Parking regulations.
172-118-060	Unauthorized use.
172-118-070	Equipment.
172-118-080	Registration of bicycles.

WAC 172-118-010 Purpose. The primary objective of the rules and regulations set forth in this chapter is to provide safety, traffic, and parking controls for the use of bicycles, motorcycles, and motorscooters upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington State College. [Order 72-12, § 172-118-010, filed 9/20/72.]

WAC 172-118-020 Bicycles, motorcycles, and motorscooters defined. A bicycle shall be, for the purposes of this section, any vehicle with three or less wheels and containing a saddle seat, and which is not motor driven. Any vehicle with three or less wheels and containing a saddle seat, and which is motor driven is considered a motorcycle or motorscooter for the purposes of this section. [Order 72-12, § 172-118-020, filed 9/20/72.]

WAC 172-118-030 Applicable rules and regulations. The safety, traffic, and parking regulations for bicycles, motorcycles, and motorscooters which are applicable upon the campus of Eastern Washington State College are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) The traffic code of the city of Cheney, Washington; and

(3) Special regulations set forth in this chapter. [Order 72-12, § 172-118-030, filed 9/20/72.]

WAC 172-118-040 Operation of bicycles, motorcycles, and motorscooters. (1) No bicycle, motorcycle, or motorscooter may be operated on sidewalks, walkways, lawns, or other property not set aside for such purposes on the Eastern Washington State College campus; except that all bicycles, motorcycles, and motorscooters owned and operated by the college shall be exempt from this provision.

(2) Bicycles, motorcycles, and motorscooters may be operated any place where automobiles or other motor vehicles are permitted.

(3) Bicycles, may be operated on college walkways in the mall area and the area surrounding Showalter Hall and between the Hall of Sciences and the Memorial Field House, provided, that the bicycle is operated in a safe manner and in compliance with these regulations.

(4) Bicycle locks may be broken to facilitate impounding of said bicycle without liability to Eastern

State College or its authorized personnel. A two dollar impound fee must be paid before said bicycle is released to the owner. [Order 74-2, § 172-118-040, filed 1/24/74; Order 72-12, § 172-118-040, filed 9/20/72.]

WAC 172-118-050 Parking regulations. Bicycles, motorcycles, and motorscooters may be parked, without permit, in any parking lot on the campus of the college, providing that said parking does not interfere with the parking of motor vehicles.

(1) Bicycles must be parked in bicycle racks. At times, rack space may not be available and parking on the grass off the pavement will be permitted if all racks in the vicinity are full.

(2) Bicycles, motorcycles, and motorscooters may be parked in triangular spaces caused by angular parking in a lot.

(3) Bicycles, motorcycles, and motorscooters may not be parked on any lawn, sidewalk, walkway, driveway, service area, against any building, building entrances or exits, nor in a building on the college campus, except as provided in WAC 172-118-050(1).

(4) Bicycles, motorcycles, and motorscooters not conforming to these regulations are subject to citation as are all other vehicles, and may be impounded as provided in WAC 172-116-230.

(5) Bicycle, motorcycle, and motorscooter regulations will be in effect at all times. [Order 72-12, § 172-118-050, filed 9/20/72.]

WAC 172-118-060 Unauthorized use. The use of a bicycle, motorcycle, or motorscooter without the owner's permission, or moving a bicycle, motorcycle, or motorscooter to any unauthorized area is prohibited. [Order 72-12, § 172-118-060, filed 9/20/72.]

WAC 172-118-070 Equipment. All bicycles, motorcycles, or motorscooters must have a headlamp that can be seen from a distance of not less than five hundred feet, if the vehicle is driven at night. All bicycles, motorcycles, or motorscooters must have a red tail light or red tail reflector that can be seen from a distance of not less than five hundred feet, if the vehicle is driven at night. Night, for the purposes of this section, is one-half hour before sunset to one-half hour after sunrise, or any time when visibility is reduced to two hundred feet or less. All bicycle, motorcycle, or motorscooter equipment must meet all standards as set forth by the state of Washington regulations and policies. [Order 72-12, § 172-118-070, filed 9/20/72.]

WAC 172-118-080 Registration of bicycles. All bicycles operated or parked upon the campus of Eastern Washington State College must be registered with the city of Cheney pursuant to its laws governing such registration. [Order 72-12, § 172-118-080, filed 9/20/72.]

Chapter 172-120 WAC STUDENT CONDUCT CODE

WAC

172-120-010	Introduction.
172-120-020	Interest of the college relevant to a student code.
172-120-030	The problems of dual membership.
172-120-040	Conduct code.
172-120-050	Sanctions.
172-120-060	Discipline functionaries.
172-120-070	Initiation of disciplinary procedures.
172-120-080	Authority of college disciplinary officer.
172-120-090	Consolidation of cases permissible.
172-120-100	Hearings procedure.
172-120-110	Disciplinary committee—Deliberations and sanctions.
172-120-120	Appeals.
172-120-130	Interim suspension permitted.
172-120-140	Judicial proceedings—Procedural rights of students.

WAC 172-120-010 Introduction. The board of trustees of Eastern Washington State College has the authority and obligation to adopt regulations for the governance of the college for the purpose of providing educational opportunities to its students, transmitting and advancing knowledge and to providing a wide range of services to both students and the general public. To carry out these responsibilities, the college requires a community free from violence, threats, and intimidation; protective of free inquiry, respectful of the rights of others; open to change; supportive of democratic and lawful procedures; and dedicated to the rational and orderly approach to the resolution of human problems. To safeguard the rights, opportunities, and welfare of students, faculty, staff and guests of the college community, and to assure protection of the interests of the college as it seeks to carry out its mission on behalf of the citizens of the State of Washington, certain minimum standards of conduct become necessary. [Order 72-2, § 172-120-010, filed 5/12/72.]

WAC 172-120-020 Interest of the college relevant to a student code. The college is a special, as opposed to general purpose community, and as such must devise procedures and regulations to control disruptive elements which would deter the college from furthering its mission—providing learning experiences for its students, transmitting and advancing knowledge and providing services to the greater community. Special college interests provide a foundation for building a code of conduct.

(1) The college has a primary concern with matters which impinge upon academic achievement and integrity.

(2) The college has a concern with conduct which breaches the peace, causes disorder, and substantially interferes with the rights of others.

(3) The college has an interest in behavior which threatens or actions which imperil the physical and mental health and safety of members of the college community.

(4) The college has an obligation to protect its property and the property of members of its community from theft, damage, destruction, or misuse.

(5) The college has a commitment to meet its contractual agreements.

(6) The college has an obligation to support and be guided by laws of the land. [Order 72-2, § 172-120-020, filed 5/12/72.]

WAC 172-120-030 The problems of dual membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure. [Order 72-2, § 172-120-030, filed 5/12/72.]

WAC 172-120-040 Conduct code. The following are defined as offenses which are subject to disciplinary action by the college. The college has the authority to promulgate additional or more specific rules supplementary to the offenses listed in this section provided they are consistent with the student bill of rights in effect at the time and public notification has been given.

(1) All forms of dishonesty including but not limited to cheating, plagiarism, knowingly furnishing false information to the college, forgery, alteration or misuse of college documents or instruments of identification with intent to defraud.

(2) Conduct which intentionally disrupts or obstructs teaching, research, administration, disciplinary proceedings, freedom of movement or other lawful activities on the college campus.

(3) Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the college, or at any college-sponsored or supervised functions.

(4) Theft from, or malicious damage to, or malicious misuse of college property or the property of any person, when such property is located on the college campus.

(5) Failure to comply with reasonable directions of college officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus.

(6) Being an accessory to any person on the college campus who is or who is not a member of the Associated Students of Eastern Washington State College who violates this code.

(7) Violation of published and duly adopted college regulations including but not limited to those relating to possession or consumption of alcoholic beverages; and possession and/or use or sale of any narcotic or dangerous drug on the college campus or in college controlled facilities, contrary to state or federal law.

(8) No person shall have on his person, in his vehicle, or otherwise in his possession any gun, pistol, or firearm, or explosives, dangerous chemicals or other dangerous weapons or instruments on the college campus or other college property except as follows:

(a) Authorized law enforcement officers shall be permitted to carry arms while on duty and engaged in their regular duties.

(b) Activities requiring use of the prohibited items may be conducted upon approval of the activity by the board of trustees.

(c) Persons shall be permitted to have firearms in their possession directly enroute to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms.

(9) Violation of a local, county, state, or federal law, whether it be on or off campus, only when a definite college interest is involved and where the student misconduct distinctly and adversely affects the college's pursuit of its educational mission.

(10) Intentionally inciting others to engage in any of the conduct prohibited in this code, which incitement leads directly to such conduct.

(11) The unauthorized entry into or onto, or the unauthorized remaining in, or upon, any public or college facilities.

(12) All attempts to perform acts of misconduct prohibited by this section shall also be subject to disciplinary action. [Order 72-2, § 172-120-040, filed 5/12/72.]

WAC 172-120-050 Sanctions. If any person is found guilty, one or more of the sanctions available shall be:

(1) Minor disciplinary sanction:

(a) Admonition: An oral statement to a student that he is violating or has violated institution rules.

(b) Warning: Notice, orally or in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may cause far more severe disciplinary action.

(c) Censure: A written reprimand for violation of specified regulations, including notice of the possibility of more severe disciplinary sanctions in the event of the finding of a violation of any regulation within a stated period of time.

(d) Disciplinary probation: Formal action placing condition upon the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions, such as limiting the student's participation in college related privileged or extra-curricular activities. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation shall be for a specified term not to exceed one year of academic enrollment at Eastern Washington State College.

(e) Restitution: Reimbursement for damage or destruction to the property of the college or others. This

may take the form of appropriate service or other compensation. Failure to make arrangements to pay will result in cancellation of the student's registration and will prevent the student from re-registration.

(f) Fines: The disciplinary officer and the college disciplinary committee may assess monetary fines up to a maximum of Fifty Dollars (\$50.00) against individual students for violation of college rules or regulations or for failure to meet the college's standards of conduct. Failure to pay such fines promptly will prevent the student from re-registration.

(2) Major disciplinary sanction:

Suspension: Exclusion from classes and other privileges or activities as set forth in a written notice not to exceed twenty-four (24) months. Conditions of readmission shall be stated in the order of suspension. [Order 72-2, § 172-120-050, filed 5/12/72.]

WAC 172-120-060 Discipline functionaries. (1) College disciplinary officer:

The college president shall designate a person to be the college disciplinary officer who shall review and decide questions of college interest. He may investigate and make decisions in some instances of code violation.

(2) College disciplinary committee:

A college disciplinary committee composed equally of student and faculty representatives will provide a hearing and will make decisions on all disciplinary cases referred or appealed to it. The members of the committee and their terms of office shall be:

(a) Five (5) members of the faculty and/or administration appointed by the president of the college for three (3) year terms.

(b) Five (5) students who shall be appointed by the president of the Associated Students of Eastern Washington State College, with the advice and consent of the associated students legislature, as provided for in the constitution of the Associated Students of Eastern Washington State College. No student shall be eligible for appointment who holds any position with any of the associated student courts, serves as an attorney general or assistant attorney general in any of the student courts, or is in any way affiliated with any judicial, quasi-judicial, or advocacy position with the courts of the Associated Students of Eastern Washington State College.

(c) A nonvoting chairman shall be elected for a one (1) year term by the committee from outside the committee. Re-election of the chairman is permissible.

(d) Six (6) voting members constitute a quorum.

(e) In the event the chairman is not in attendance, the quorum shall select a voting member to preside at the hearing.

(f) No member of the disciplinary committee shall participate in any case in which he is a defendant, complainant, or witness, in which he has a direct or personal interest or bias, or in which he has acted previously in an advisory or adjudicatory capacity. A committee member's eligibility to participate in a case may be challenged by parties to the case or by other committee

members, but decisions in this regard shall be made by the committee as a whole.

(g) In the event a member of the disciplinary committee is disqualified or disqualifies himself from hearing a case, a temporary (for that case only) replacement shall be appointed. If the member is a student, the temporary appointment will be made by the Associated Students of Eastern Washington State College president. If the member is a faculty member or administrator, the temporary appointment will be made by the college president.

(3) Student courts:

Student courts, the Associated Students superior court and those established by the Associated Students legislature as lesser courts to the Associated Students superior court, may act on such internal disciplinary problems as they feel competent to deal with effectively. If the student court is inoperative, or if it decides to do so, the student court may refer cases involving alleged violations of rules upon which that court may extend jurisdiction to the college disciplinary officer or the college disciplinary committee. [Order 72-2, § 172-120-060, filed 5/12/72.]

WAC 172-120-070 Initiation of disciplinary procedures. The object of this code is to provide fair and reasonable procedures with which to deal with problems of student conduct. The student charged with misconduct shall be entitled to due process as defined in Article II, section 10, of the Associated Students of Eastern Washington State College constitution and WAC 172-120-140.

A person wishing to charge a student with a violation of the conduct code may:

(a) Make the charge in a student court if that system has jurisdiction; or

(b) Prefer charges with the college disciplinary officer. Nothing in this code shall prohibit or limit the right of persons to go directly to the civil authorities and prefer charges in instances of alleged violations of local, county, state, or federal law.

The college disciplinary committee shall have appellate jurisdiction in those situations where the student has appealed from the imposition of a disciplinary action by the college disciplinary officer or by a student court. [Order 76-9-1, § 172-120-070, filed 9/23/76; Order 72-2, § 172-120-070, filed 5/12/72.]

WAC 172-120-080 Authority of college disciplinary officer. When the college disciplinary officer receives a complaint against a student for a violation of the code, he will explain to the complainant his rights under the student conduct code and possible avenues of action which the complainant has against the student, including reference to remedies under civil law as well as possible remedies under the student code. If the college disciplinary officer decides to initiate a disciplinary proceeding against the student he will then call the student charged for an initial conference. At this time, the college disciplinary officer will provide the accused student with a written list of the charges against him, and will explain

the student's rights under the student code and what possible ramifications may occur under civil law, if any. The disciplinary officer will further explain the disciplinary procedures and possible penalties under the student code and advise him that the student must, within twenty-four (24) hours after receipt of this explanation, decide whether the student wishes to have his case heard by the college disciplinary officer, or by the college disciplinary committee, and sign a statement declaring the same. The committee must receive at least seventy-two (72) hours notice as to the time and place of the hearing. After considering the evidence against a student so charged, the college disciplinary officer may take any of the following actions:

- (1) Terminate the complaint, exonerating the student.
- (2) Dismiss the charge after whatever counseling and advice is deemed appropriate.
- (3) Refer the student to specialists, as in the case of emotional disturbances.
- (4) Impose any number of sanctions from WAC 172-120-050 (minor disciplinary sanctions) contained herein.
- (5) Refer the case to the college disciplinary committee in the event the college disciplinary officer deems major disciplinary sanction may be warranted or if the student requests that his case be heard by the committee. If the student requests that his case be heard by the college disciplinary committee rather than the college disciplinary officer, the committee may take any of the sanctions listed in subsections (1), (2), (3), and (4) above, except that the committee may impose a major disciplinary sanction as defined in subsection (2) of WAC 172-120-050 herein. [Order 72-2, § 172-120-080, filed 5/12/72.]

WAC 172-120-090 Consolidation of cases permissible. In the event that one or more students are charged with the same misconduct arising from the same occurrence, the disciplinary committee or college disciplinary officer shall be authorized to consolidate the hearings as practical; provided that such consolidation does not prejudice the rights of any students. [Order 72-2, § 172-120-090, filed 5/12/72.]

WAC 172-120-100 Hearings procedure. (1) Hearings before the college disciplinary committee will generally be open hearings, but upon request by either the complaining witness or the student charged, the hearing shall be closed.

(a) In all cases in which an open hearing occurs, the chairman of the committee shall have the discretion to reasonably limit the amount of attendees at such hearing. If at any time during the conduct of a hearing, invited guests or attendees are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room. In those cases in which the chairman decides that because of disruption the hearing cannot be conducted fairly in an open session, he may direct that the hearing be recessed and that the remainder be conducted in closed session.

(b) Any student attending a disciplinary committee hearing as an invited guest or as an attendee who continues to disrupt the proceedings after the chairman of the committee has asked him to cease and desist thereof, shall be subject to disciplinary action.

(2) A written record or a tape recording of the testimony before the college disciplinary committee shall be kept. It may be reviewed by the student at any time prior to the final disposition of the case. A record of all proceedings will be kept and filed with the college disciplinary officer.

(3) A student may have an adviser of his choice to present or assist in the presentation of his case, subject to the limitations of subsection (3)(b) of this section. The student must render three (3) days' notice prior to the hearing of the prospective representation if he intends to be represented by a duly licensed attorney. In the event a student chooses a duly licensed attorney to represent him in proceedings before the disciplinary committee, an assistant attorney general for the State of Washington shall represent the college therein.

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

(b) In the instance where duly licensed attorneys are not representing either the college or the accused student, the college shall be represented by the college disciplinary officer, or his designee; provided, however, that the representative of the college shall be acceptable to the complaining witness or witnesses; provided further, that no one may represent the college or the student charged unless he is a member of the student body, faculty, classified staff, or administrative staff of Eastern Washington State College.

(4) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice that a hearing regarding the college's allegation that he violated the student code is being held at a certain time and place, will be considered in determining whether the college disciplinary committee has sufficient cause to believe that the accused student is guilty of violating any of the written list of charges presented him pursuant to WAC 172-120-080 of this code.

(a) In determining whether sufficient cause, as stated in the foregoing paragraph, does exist, the college disciplinary officer or in the instance of a hearing, the college disciplinary committee, shall decide whether a preponderance of the evidence indicates that the student charged did violate the student code by engaging in the conduct for which he was charged pursuant to WAC 172-120-080 of this code.

(b) For the purposes of this code, the phrase, "preponderance of the evidence", shall mean that it is more likely that the student charged did violate the student code by engaging in the conduct for which he is charged than that he did not.

(c) The chairman of the college disciplinary committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. [Order 72-2, § 172-120-100, filed 5/12/72.]

WAC 172-120-110 Disciplinary committee—Deliberations and sanctions. (1) The college disciplinary committee will meet in closed session and decide by majority vote whether the preponderance of the evidence indicates that the student has or has not violated the rules he is charged with having violated. If the decision is that he did engage in an act of misconduct in violation of the rules with which he is charged with having violated, the committee will by majority vote determine what sanction from WAC 172-120-050 herein it will recommend that the president impose upon the student. This recommendation to the president must be accomplished within five (5) days of the time when the proceedings are terminated.

(2) In the course of the committee's decision as to what sanction it shall recommend be imposed by the president, it may consider any evidence of past misconduct that the chairman of the committee deems relevant; such evidence may be presented by the college disciplinary officer or his designee.

(3) No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer the charges or appear at the hearing, but must be based upon the evidence considered prior to the committee's decision or on the evidence of past misconduct deemed relevant by the chairman of the college disciplinary committee. [Order 72-2, § 172-120-110, filed 5/12/72.]

WAC 172-120-120 Appeals. (1) Any student feeling aggrieved by the imposition of minor disciplinary sanctions by the college disciplinary officer or by a student court shall have a right of appeal to the disciplinary committee, provided a written notice of appeal is received by the committee within five (5) days after notice of disciplinary action is given. The written notice of appeal shall set forth:

- (a) The student's name;
- (b) The nature of the disciplinary action imposed; and
- (c) The reasons why the recommendation regarding disciplinary action should be reversed, set aside or modified. The committee may request a written report of the case from the disciplinary officer or student court before making its decision. The committee shall also have the right to request additional written information or explanation from any of the parties to the proceeding before rendering its decision. In making its decision, the committee shall only consider the written record before it, the student's notice of appeal, the written report of the disciplinary officer or student court and such other information and explanation it has requested from the parties to the proceeding. There shall be no further appeal from any action of the disciplinary officer. The committee is empowered to affirm, reverse, remand, or

modify (only to a less severe sanction) the recommendation regarding disciplinary action of the college disciplinary officer or a student court.

(2) Appeals to the president:

(a) Any student aggrieved by the disciplinary committee's recommendation as to what disciplinary action the president should take (as distinguished from appellate consideration by the committee), shall have a right of appeal to the president, or his designee, within five (5) days after notice of the recommendation of disciplinary action is given.

(b) If a complaining witness feels aggrieved by the decision of the college disciplinary officer or by the college disciplinary committee's recommendation to the president, he may petition the president to remand the charges back to the disciplinary officer or the college disciplinary committee for a rehearing of the matter as charged.

(3) The written notice of appeal by an aggrieved student or a petition by an aggrieved complaining witness shall set forth:

(a) The student's name or the complaining witness's name;

(b) The nature of the disciplinary action requested or imposed; and

(c) Reasons why the disciplinary sanction recommended should be reversed, set aside, or modified, or in the case of a petitioning complaining witness, the reasons why the disciplinary matter should be reheard by the college disciplinary officer or the college disciplinary committee.

(4) The president may request a written report of the case from the disciplinary committee before making his decision. He shall also have the right to request additional information or explanation from any of the parties to the proceeding before rendering his decision. In making his decision, he shall only consider the written record before him, the student's notice of appeal, the petition of a complaining witness if such is filed, the written record of the disciplinary committee, and such other information and explanation he has requested from the parties to the proceeding. In the instance in which the president has received a finding that the college student code has been violated, he may, in considering what disciplinary sanction should be imposed, affirm, reverse, remand, or modify (only to a less severe sanction) the recommendation of the college disciplinary committee. [Order 72-2, § 172-120-120, filed 5/12/72.]

WAC 172-120-130 Interim suspension permitted. Disciplinary actions of the college will be implemented by the president of the college, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the college will be invoked only after completion of the procedures established for the review of disciplinary cases and after the employee or student, if he so wishes, has availed himself of the appeal procedures. However, in emergency situations, if the safety of one or more individuals is imperiled, property is endangered, or the college's ability to function is in question, the president

or his authorized representative may summarily suspend for stated cause an employee or the enrollment of any student. In all such cases, the individual is entitled to a hearing before the appropriate group or official as specified under discipline procedures as soon as such a hearing can be held, but not to exceed ten (10) days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the college. [Order 72-2, § 172-120-130, filed 5/12/72.]

WAC 172-120-140 Judicial proceedings—Procedural rights of students. (1) Rights of the Accused.

(a) An accused student has the right to a fair and impartial hearing before the appropriate committee composed of members of the campus community.

(b) No student may be asked by a college official or judiciary body to give information or to answer any question concerning the alleged violation of this chapter which he is suspected of having committed until he has been informed of:

(i) the fact that he is suspected of having violated this chapter and the section he is suspected of having violated,

(ii) the nature and approximate date of the activity in which he is suspected of having engaged,

(iii) the fact that he need not give any information regarding the alleged acts.

(c) In all judicial proceedings, the student shall enjoy the right to speak on his own behalf.

(d) Both the judiciary body and the student shall enjoy the right to call any persons whom they wish to speak concerning the case, subject to the rules of privilege recognized by law and rules excluding evidence which is incompetent, irrelevant, immaterial or unduly repetitious.

(e) The accused student has the right to know his accusers and to cross-examine them and any others presenting evidence against the accused.

(f) A student shall not be subjected to college judicial action more than once for the same violation of a regulation.

(g) The burden of proof rests with the accuser. Said burden shall be carried if guilt is indicated by a fair preponderance of the evidence considered as a whole. [Order 76-9-1, § 172-120-140, filed 9/23/76.]

Chapter 172-124 WAC

DISPOSITION OF OBLIGATIONS OWED TO COLLEGE BY STUDENTS

WAC

172-124-010	Financial obligations of students.
172-124-020	Appeal procedure.
172-124-100	Smoking regulations.
172-124-200	Definition—Pets.
172-124-210	Pet control.
172-124-220	Penalties for violations of pet control regulations.

WAC 172-124-010 Financial obligations of students. The conferring of degrees and issuance of academic transcripts may be withheld by Eastern Washington State College for failure of a student to meet his or her financial obligations owed to the college. Such fees, charges, debts, fines, or other financial obligations shall include but are not limited to the following:

- (1) Bookstore debts;
- (2) Housing and food service debts;
- (3) Parking fines;
- (4) Library fines;
- (5) "Not Sufficient Funds" checks;
- (6) Damages to college property;
- (7) Failure to return borrowed, leased, or rented college property;
- (8) Unreturned keys;
- (9) Personal telephone tolls charged to a college number. [Order 72-11, § 172-124-010, filed 9/20/72.]

WAC 172-124-020 Appeal procedure. (1) Every student has the right to appeal a decision of any college department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge. The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice of the appeal shall be given within ten days after notice of right to appeal is received. Following such notice, the student shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such hearing shall be final; provided, that in the event such financial obligation shall prove to be of a magnitude requiring the assessed student to terminate his relationship with Eastern Washington State College, the student shall have a right to a formal hearing as provided in RCW 28B.19.120.

(2) If the student has not satisfied his financial obligations to the college within ten days after his right to a hearing has expired, the college may take the action provided in WAC 172-124-010 after providing the financially obligated student with notice of the intended action, whenever such notice is possible. [Order 72-11, § 172-124-020, filed 9/20/72.]

WAC 172-124-100 Smoking regulations. The smoking of tobacco substances at Eastern Washington State College is subject to the following rules:

(1) Smoking shall not be permitted in classrooms, lecture rooms, teaching laboratories, storage rooms, posted areas, or any place where there is combustible material or inflammable liquids.

(2) Smoking shall be permitted only if offices and conference rooms where metal, plastic, or glass ash trays are used and precautions taken to avoid fire.

(3) Smoking in the JFK Memorial Library is restricted to areas so specified by the college librarian or his designee.

(4) The president shall determine whether smoking shall be permitted or not permitted in any other places

on properties owned or operated by the college that are not specifically provided for in these rules.

(5) The employees and students of Eastern Washington State College will enforce the regulations as required. [Order 73-8, § 172-124-100, filed 3/20/73.]

WAC 172-124-200 Definition—Pets. For the purposes of this section, the word, "pets", shall mean any domestic or other animal not used in the course of laboratory or other teaching experiments at the college. Seeing eye dogs under the control of a blind person shall be exempt from this section. [Order 73-11, § 172-124-200, filed 5/22/73.]

WAC 172-124-210 Pet control. In order to assure the health and safety of all persons on properties owned or controlled by Eastern Washington State College, the following rules and regulations regarding pet control are hereby promulgated:

(1) Title 7 of the municipal code of the city of Cheney, Washington, relating to animal control shall be expressly applicable to all portions of the Eastern Washington State College properties contained within the city of Cheney, Washington.

(2) State and county laws relating to animal control shall be expressly applicable to all portions of the Eastern Washington State College properties outside the city of Cheney, Washington.

(3) No person will be permitted to bring any pet upon properties owned or controlled by Eastern Washington State College unless such pet is under the immediate control of such person; provided, however, under no circumstances will pets be permitted to enter into buildings owned or controlled by Eastern Washington State College except that property located on the block bordered by Fifth, Sixth, B and C Streets and that property bordered by Seventh, C and D Streets, and the westerly side of Senior Hall in Cheney, Washington. [Order 73-11, § 172-124-210, filed 5/22/73 and 6/13/73.]

WAC 172-124-220 Penalties for violations of pet control regulations. (1) Persons violating WAC 172-124-210 may be referred to an appropriate court of law for prosecution. Sworn police officers of Eastern Washington State College shall have express authority to refer such violations to appropriate courts of law.

(2) Pets found to be in violation of WAC 172-124-210 may be impounded by any employee of the Office of Campus Safety of Eastern Washington State College. The director of Campus Safety, with the permission of the vice president for business and management, may enter into a contractual agreement with any competent person for the keeping and boarding of such pets for the period prescribed by Title 7 of the Cheney Municipal Code, and thereafter for the destruction of said pet as prescribed by Title 7 of the Cheney Municipal Code. [Order 73-11, § 172-124-220, filed 5/22/73.]

Chapter 172-129 WAC FACULTY APPEALS AND GRIEVANCE PROCEDURE

WAC

172-129-010	Purpose.
172-129-020	Jurisdiction.
172-129-030	Definitions.
172-129-031	References to bylaws.
172-129-035	Informal hearings.
172-129-036	Formal hearings.
172-129-037	Statements and testimony confidential.
172-129-040	Divergent procedures established regarding grievances and appeals.
172-129-050	Use of normal administrative processes encouraged.
172-129-060	Faculty appeals committee—Purpose and composition.
172-129-070	Functions of the faculty appeals committee.
172-129-080	Conflict of interest.
172-129-090	General procedures for appeals and grievances.
172-129-100	Grievance procedures.
172-129-110	Appeals—Division into categories.
172-129-120	Burden of proof in appeals.
172-129-130	Hearing procedures for appeals.
172-129-140	Procedure for appointment of hearing examiner.
172-129-145	Scope of authority conferred upon hearing examiner.
172-129-150	Costs of appeals and grievances.
172-129-160	Content of grievance and appeal forms.

WAC 172-129-010 Purpose. The purpose of the following appeal and grievance policy shall be to promote the interest of the college in its primary endeavors of teaching/learning with related and supporting activities of research, scholarship, and service, and to assure fair process for individual faculty members. These procedures are established to provide a means for the resolution of personnel and professional problems at the college in a manner that will best reconcile the interests of the college and individual faculty members through the use of formalized processes utilizing both professional peer judgment and administrative input. [Order 74-5, § 172-129-010, filed 2/21/74.]

WAC 172-129-020 Jurisdiction. The jurisdiction of this chapter shall be limited to matters concerning faculty members, as that term is defined in bylaw 400.11.00 of Eastern Washington State College. [Order 74-5, § 172-129-020, filed 2/21/74.]

WAC 172-129-030 Definitions. (1) "Appellant" shall refer to the faculty member who challenges a decision affecting his retention or tenure appointment and utilizes the procedures provided for appeals in this WAC chapter.

(2) "Appointing authority" shall for the purposes of this chapter only refer to those members of the college community who appoint members of the Faculty Appeals Committee created in WAC 172-129-060 of this chapter; specifically, the Chairman of the Academic Senate, the Vice President for Academic Affairs, and the president of the college, respectively.

(3) "College" shall mean Eastern Washington State College, an institution of higher education administered by the Board of Trustees pursuant to RCW 28B.40.120, and all the constituent elements administered by the

board thereunder. All communications to the college shall be addressed to the president of the college.

(4) "Costs" shall refer to the expenses sustained during a formal hearing, as that term is defined in WAC 172-129-036 and in RCW 28B.19.110 and 28B.19.120, for stenographic services, transcription of any stenographic notes taken during the course of formal hearings, costs of service of any legal documents sustained as a result of any formal hearing, payment of any witness fees, which fees shall be the statutory witness fees provided for in RCW 2.40.10 [2.40.010] as now law or hereinafter amended, and the costs of reproducing documents that may be copied for use in informal and formal hearings, pursuant to these rules. The term, "costs", shall not include fees for retention of any attorney or professional representative utilized by an appellant, grievant, or the college in the course of grievances or appeals provided for in this chapter.

(5) "Days", when used in this chapter, shall mean, except where otherwise indicated, administrative working college days.

(6) "Dismissal" shall mean termination of a faculty member's employment at the college for adequate cause as that term is defined in bylaw 401.43.30 of the college bylaws.

(7) "Grievant" is a faculty member who has a grievance as that term is defined in WAC 172-129-040(2) and exercises the procedures provided in WAC 172-129-090 et sequence.

(8) "He" when used in reference to a singular person, shall refer both to the masculine and feminine gender.

(9) "Professional organization representative" means any individual designated by the organization of the individual faculty member's choice.

(10) "Termination" refers to a discontinuation of employment of a faculty member at Eastern Washington State College because of fiscal exigency or program adjustment pursuant to bylaw 401.43.20 through 401.43.23 of the Eastern Washington State College bylaws, or nonrenewal of a probationer faculty member's contract pursuant to bylaw 401.43.10 of the Eastern Washington State College bylaws. [Order 74-5, § 172-129-030, filed 2/21/74.]

WAC 172-129-031 References to bylaws. References to college bylaws are accomplished in this chapter merely for the purposes of identifying the location of the appropriate bylaw as such is phrased at the time sections in this chapter are adopted: *Provided, however,* That bylaws referenced in sections of this chapter may be subject to subsequent amendment or supplement and upon such occurrence or occurrences shall be deemed properly referenced by sections within this WAC chapter. [Order 74-5, § 172-129-031, filed 2/21/74.]

WAC 172-129-035 Informal hearings. (1) For the purposes of these rules, "informal hearings" shall refer to proceedings that shall be accomplished in an informal manner, pursuant to procedures determined by the administrator or the committee conducting the hearing, who shall determine as to a grievant whether there is a

proper grievance as that term is defined in WAC 172-129-040 and whether as to an appellant, the burden of proof provided in WAC 172-129-120 has been met by the party assigned such burden of proof by WAC 172-129-120.

(2) Informal hearings shall be conducted in a manner that accords with the general procedure provided for in WAC 172-129-090 and shall ascertain whether the grievant has a proper grievance, pursuant to WAC 172-129-040(2), or whether an appellant has met the burden of proof assigned to him by WAC 172-129-120 by giving probative effect to evidence that possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. [Order 74-5, § 172-129-035, filed 2/21/74.]

WAC 172-129-036 Formal hearings. (1) For purposes of these rules, except for the hearing conducted by the hearing examiner at Level IV of the appeal procedures pursuant to WAC 172-129-130(2)(d), which hearing is a formal hearing for the purposes of the Higher Education Administrative Procedures Act, chapter 28B.19 RCW, "formal hearings" shall be of the type provided for in this chapter and shall be deemed informal hearings for the purposes of chapter 28B.19 RCW.

(2) Formal hearings conducted for the purposes of grievances and appeals brought under this chapter, except for Level IV of the appeal procedure, shall be conducted in the form of an administrative hearing that shall determine as to a grievant, whether a grievance properly exists as that term is defined in WAC 172-129-040; or as to an appellant, whether the burden of proof provided for in WAC 172-129-120 has been met by the party assigned such burden of proof by WAC 172-129-120.

(3) A formal hearing shall be accomplished in a manner consistent with the procedures provided for in WAC 172-129-090 and shall:

(a) Be presided over by a chairman designated by the committee or appropriate unit or administrator who is hearing the particular formal hearing pursuant to the procedures provided for in this chapter. Such chairman shall make all rulings in the conduct of the formal hearing and he shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs; however, he shall give effect to rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(b) Include testimony from all interested persons, including but not limited to faculty members and students.

(c) Allow the faculty member whose case is being appealed or heard as a grievance and the persons representing the college at such appeal or grievance level to cross examine and defend themselves.

(d) Be recorded by tape recorder or other such appropriate device: *Provided,* That the parties may agree to a formal record or transcript, pursuant to WAC 172-129-090(c) of this chapter. [Order 74-5, § 172-129-036, filed 2/21/74.]

WAC 172-129-037 Statements and testimony confidential. Statements, testimony, and all other evidence given at an informal hearing authorized pursuant to this chapter, shall be confidential and shall not be subject to discovery or released to anyone, including the person or committee conducting any other hearing authorized by this chapter or any of the parties involved, or used for impeachment purposes, without permission of the person who divulged the information. [Order 74-5, § 172-129-037, filed 2/21/74.]

WAC 172-129-040 Divergent procedures established regarding grievances and appeals. It is a purpose of this chapter to establish two different methods for accomplishing the fair process the college wishes to create for faculty members in their relationships with the college. Accordingly, separate provisions in this chapter are made for appeal of decisions affecting the issues of whether faculty members' employment will continue at the college, as opposed to issues concerning the application of any bylaw or rule of the college. For the purpose of this chapter, therefore:

(1) "Appeals", and the right to utilize the procedures in this chapter regarding appeals, are expressly limited only to cases contesting the application of a college bylaw that results in a decision that terminates employment of an individual as a faculty member at the college.

(2) "Grievances", and the right to utilize the procedures promulgated in this chapter regarding grievances, are expressly limited only to cases involving a complaint by a faculty member or faculty members that:

(a) There has been as to him or them a misinterpretation, improper, or unfair application, breach, or violation of the academic and administrative policies and procedures of Eastern Washington State College as approved by the Board of Trustees, or

(b) He has been treated unfairly; except that the term "grievance" shall not apply to any matter over which the Board of Trustees is without authority or power to act. [Order 74-5, § 172-129-040, filed 2/21/74.]

WAC 172-129-050 Use of normal administrative processes encouraged. Normal administrative processes and consultation should be reasonably sought and used by a faculty member who feels aggrieved before he files a formal appeal or grievance. [Order 74-5, § 172-129-050, filed 2/21/74.]

WAC 172-129-060 Faculty appeals committee—Purpose and composition. (1) In order to provide for professional peer judgment, careful consideration of institutional concerns, and to assure fair process for individual faculty members, an all-college committee which shall be known as the "Faculty Appeals Committee" is hereby established.

(2) The Faculty Appeals Committee shall be composed of fifteen members: Nine selected by the Chairman of the Academic Senate, three selected by the Vice President for Academic Affairs, and three appointed by the president of the college: *Provided, however, That*

none of the appointees shall be deemed to represent the interests of the appointing authority that designates each of them, and each such appointing authority shall make its best efforts to keep confidential its identity from the person whom it appoints. The initial appointees of each appointing authority shall serve for terms of twelve, twenty-four, and thirty-six consecutive calendar months commencing on September 1 and terminating on August 31. The determination of which appointee shall hold a twelve month term, twenty-four month term, or thirty-six month term shall be made by the appointing authority of that appointee. All successors to initial appointees shall serve a term of thirty-six consecutive calendar months commencing on September 1 of the first month of the first year and terminating on August 31 of the thirty-six month of the third year.

(3) No alternatives or substitutes shall be allowed for any appointee to the Faculty Appeals Committee. Upon the resignation or death of any member of the Faculty Appeals Committee, a reappointment for the remainder of that person's term shall be made by the appointing authority that selected the resigned or dead member of the Faculty Appeals Committee.

(4) The Faculty Appeals Committee, meeting in a body, shall by no later than September 25 of each year select a chairman, vice chairman, and secretary who shall constitute the Executive Committee of the Faculty Appeals Committee, and shall serve a term of twelve consecutive calendar months. [Order 74-5, § 172-129-060, filed 2/21/74.]

WAC 172-129-070 Functions of the faculty appeals committee. (1) The Faculty Appeals Committee shall have the primary responsibility on behalf of the college to make findings and recommendations for the resolution of grievances and appeals not resolved at Level I. Its recommendation shall be made to the president of the college for administrative action. Its conclusion shall be reported to the Academic Senate for information, but shall not be subject to action by the Academic Senate.

(2) The Faculty Appeals Committee will serve in various ways to achieve resolution of faculty complaints, grievances, and appeals:

(a) **Informal investigation** of complaints, conducted by its executive committee, seeking resolution through consultation and findings.

(b) **Formal grievance procedure hearing (Level II)** conducted by a panel of three to five members selected by the committee's executive committee.

(c) **Formal appeals procedure** hearing conducted by a panel of five members selected by the committee's executive committee, except that in cases of dismissal for adequate cause the hearing shall be conducted by no less than a quorum of the full committee.

(d) **Fact finding investigation** of personnel matters of unit or divisional significance upon request of the president of the college, conducted by a panel of five as determined by the committee's executive committee. [Order 74-5, § 172-129-070, filed 3/7/74; Order 74-5, § 172-129-070, filed 2/21/74.]

WAC 172-129-080 Conflict of interest. A member of the committee who has a possible conflict of interest in any grievance or appeal case by virtue of his departmental, institutional, or personal relationships, or having served on a fact finding investigation of personnel matters related to the grievance or appeal at issue will be excused from service for that case; the appellant or grievant may request the executive committee to rule upon the possibility of such conflict of interest on the part of a panel or committee member. [Order 74-5, § 172-129-080, filed 2/21/74.]

WAC 172-129-090 General procedures for appeals and grievances. If a complainant is not satisfied with the outcome of normal administrative review or informal private discussion(s), he may begin formal procedures by using the Grievance Review Request form(s).

(a) The initial form must be filed by the appellant or grievant within thirty days after the occurrence or action being contested. However, consideration will be given by the Faculty Appeals Committee to extenuating circumstances beyond the faculty member's control which may have delayed the filing beyond this time limit.

(b) In each of the steps of the formal procedure, the two parties shall decide whether the hearing shall be open or closed, and if agreement cannot be reached, the hearing shall be closed.

(c) If the parties agree that a formal record or transcript of the proceedings shall be furnished, the cost shall be borne equally by the parties, except that the college shall bear full costs in cases of dismissal for adequate cause within the appellant's or grievant's contract period.

(d) Either party may be accompanied by others in the formal hearings, including a representative of a faculty member's professional organization, who might contribute to the acceptable adjustment of the grievance and act as counsel for either party: *Provided*, That if the appellant or grievant chooses to be represented by an attorney, he must provide the college five days written notice thereof.

(e) Except for simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case will be avoided as far as possible by all parties until the proceedings have been completed.

(f) All individuals involved, and all others who might possibly contribute to the acceptable adjustment of an appeal or grievance, are urged to testify, with full assurance that no reprisal will follow by reason of such participation.

(g) All documents, communications, and records dealing with the processing of an appeal or grievance shall be filed separately from the individual's personnel file in a sealed envelope which shall not be opened except for use as legal evidence, and then only upon prior written notice to the person. A summary of the final adjustment of the case and reference to the entire grievance or appeal file shall be placed in the individual's personnel file. [Order 74-5, § 172-129-090, filed 2/21/74.]

WAC 172-129-100 Grievance procedures. (1) The resolution of grievances shall be accomplished as rapidly as possible. The grievant(s) shall first take up the problem or complaint directly with the person or committee responsible for the challenged action or decision. At this stage, discussion(s) shall be held in private; every effort shall be made to resolve the problem or deal with the complaint in a regular or informal manner.

(2) Informal Hearings: If the grievance is not adjusted to the satisfaction of the grievant at the regular or informal level within thirty days of the contested action or decision, he may refer his grievance to his immediate administrator, the appropriate unit committee, or the administrator above the unit level who is directly responsible for the contested action or decision. The grievant shall commence the informal hearing at Level I by submitting to the appropriate unit, committee, or administrator a completed grievance review request form.

(a) Level I. The appropriate administrator or committee shall conduct an informal hearing within ten days after receipt of Grievance Request Form I. A written decision regarding the contested action or decision shall then be delivered to the grievant by the appropriate administrator or committee within five days after the conclusion of the informal hearing; such written decision shall contain the findings and recommendations made by the appropriate unit or administrator.

(b) Level II. If the grievance is not adjusted to the satisfaction of the grievant at Level I, he may within ten days from receipt of the written findings and recommendations of the appropriate unit or administrator at Level I, refer his grievance to the chairman of the Faculty Appeals Committee by submitting to the chairman a completed Grievance Review Request Form II. A panel of three to five members of the Faculty Appeals Committee shall then conduct a formal hearing with ten days of the receipt of the form. A written decision shall be delivered to the grievant by the committee and to the president within five days after the conclusion of the formal hearing; such decision shall contain the committee's findings and recommendations.

(c) Level III. If the grievance is not adjusted to the satisfaction of the grievant at Level II, he may within ten days after receipt of the Faculty Appeals Committee's findings and recommendations, refer his grievance to the president of the college by submitting to him a completed Grievance Review Request Form III. The president or his designee shall then conduct a formal hearing within ten days of receipt of the form. A written decision of the president or his designee's decision shall then be delivered to the grievant within five days; such decision shall contain the president's findings and recommendations and shall be deemed a final adjudication of the grievance for the purposes of these rules. [Order 74-5, § 172-129-100, filed 2/21/74.]

WAC 172-129-110 Appeals—Division into categories. Decisions affecting continuation of employment as a faculty member shall be divided into two distinct categories:

(1) Appeals of decisions not to renew a probationary appointment or not to grant tenure to one who is at the same time terminated as a faculty member; and

(2) Dismissal of a tenured faculty member for adequate cause or termination of one not holding tenured appointment before the expiration of his contract year. [Order 74-5, § 172-129-110, filed 2/21/74.]

WAC 172-129-120 Burden of proof in appeals. (1) A faculty member who appeals under category (1) of WAC 172-129-110 shall have the burden of proving by a preponderance of evidence that such nonrenewal was arbitrarily or capriciously made without due regard for the nonrenewed faculty member's ability to teach and/or contribute to the college.

(2) In the case of dismissal of a faculty member, as defined in WAC 172-129-110(2), the college shall bear the burden of proving, by a preponderance of the evidence, that such dismissal was made for adequate cause, as defined in bylaw 401.43.24. [Order 74-5, § 172-129-120, filed 2/21/74.]

WAC 172-129-130 Hearing procedure for appeals. (1) The faculty member challenging a decision affecting his retention or tenure appointment shall first discuss the matter directly with his department chairman, and if he chooses, with the unit personnel committee chairman. At this stage, discussion(s) should be held in private, but the participants should keep informal notes of any points or agreement or disagreement as to facts and conditions discussed.

(2) Formal hearings:

(a) Level I. If the faculty member is not satisfied with the discussions at the department or unit level, he may within thirty days of the date of the written notice from the college respecting his retention or tenure present an Appeal Request Form I to his college, school, or division dean. The dean shall within ten days of the receipt of the appeal hold a formal hearing. A written summary of the dean's conclusions from the hearing(s) shall be delivered to the appellant within five days after the formal hearing(s) close.

(b) Level II. If the faculty member is not satisfied with the conclusion of Level I, he may within ten days of the receipt of those conclusions, refer his appeal to the chairman of the Faculty Appeals Committee on an Appeal Request Form II. A panel of five members of the committee shall conduct a hearing within ten days of receipt of the appeal; except that in the case of a dismissal for adequate cause, a quorum of the Faculty Appeals Committee shall conduct such hearing. A written report shall be delivered to the appellant and to the president within five days, stating the committee's findings and its recommendations. Administrative action upon the committee's findings and recommendations shall be made known within ten days from the date of the committee's report.

(c) Level III. If the appellant is not satisfied with the Faculty Appeals Committee recommendation or with the pursuant administrative action, he may within ten days after receipt of notice in either case, refer his appeal to

the president, using Appeal Request Form III. If the president or his delegate in reviewing the recommendation and/or the review request by the appellant finds that additional evidence needs to be considered, he will within ten days after receiving the Faculty Appeals Committee's recommendation, return the recommendation with his stated reasons to the committee, notifying the appellant of this action. If the president accepts the final recommendation of the committee, it will be transmitted to the Board of Trustees within ten days after he receives such recommendation, and the decision of the Board of Trustees shall be final.

(d) Level IV. If the final recommendation of the committee is not acceptable to the president or to the faculty member who filed the appeal, an appeal stating the same shall be transmitted within ten days after the president made his final recommendation directly to the Board of Trustees, with either the president's or the appealing faculty member's stated reasons for differing with the recommendation of the Faculty Appeals Committee. The Board of Trustees shall then appoint a hearing examiner pursuant to the procedures provided in WAC 172-129-140, who shall then conduct a formal hearing for a contested case pursuant to the rules of procedure provided for in RCW 28B.19.110 and 28B.19.120. The hearing examiner shall, at the conclusion of the hearing, prepare his recommended findings of fact and conclusions of law which shall be presented to and considered by the Board of Trustees. The board's decision shall be final. [Order 74-5, § 172-129-130, filed 2/21/74.]

WAC 172-129-140 Procedure for appointment of hearing examiner. (1) Upon receipt by the president of the college or the secretary of the Board of Trustees, or chairman of the Board of Trustees, of a request by an appealing faculty member for an appeal of the decision made at Level III, WAC 172-129-130(c), the board shall present written notification of receipt of a Request for an Appeal at Level IV of the Faculty Appeals procedures to the chairman of the college's Academic Senate.

(2) Within ten days after receipt of the Board of Trustees' notification of the receipt of a Request for Appeal to Level IV of these appeals procedures, the chairman of the Academic Senate shall provide a list of three names from which the Board of Trustees may select one for the purpose of being a hearing examiner pursuant to WAC 172-129-145 of this chapter. Such list shall also contain a brief statement describing the background of the three nominees recommended to the Board of Trustees by the chairman of the Academic Senate, and all such nominees shall be subject to the following standards:

(a) They must be residents of the state of Washington.

(b) They must be considered unbiased and not related by affiliation of blood to any of the parties involved.

(c) They must agree to provide contract services as a hearing examiner in accordance with the fee schedule

that may be promulgated from time to time by the Board of Trustees.

(3) If the Board of Trustees does not find any of the three nominees suggested to the board by the chairman of the Academic Senate acceptable, the board shall, within a reasonable time, so notify such chairman; who must then, within five days after receipt of notice of rejection of the hearing examiner candidates, provide a list of three more nominees who shall also be submitted in accordance with the standards provided for in this section. A final designation by the Board of Trustees for hearing examiner who shall hear the appeals at Level IV shall occur within a reasonable time after it first receives notification of an appeal to Level IV. [Order 74-5, § 172-129-140, filed 2/21/74.]

WAC 172-129-145 Scope of authority conferred upon hearing examiner. The hearing examiner appointed by the Board of Trustees at Level IV, pursuant to WAC 172-129-130, shall not only prepare the findings of fact and conclusions of law that shall be submitted to the board, but such hearing examiner's findings as to credibility shall be deemed final and his findings of fact shall not be overturned by the board unless such proposed findings of fact are not supported by substantial evidence. [Order 74-5, § 172-129-145, filed 2/21/74.]

WAC 172-129-150 Costs of appeals and grievances. Except for those cases in which the parties agree to make a formal record or transcript and share the costs thereof, pursuant to WAC 172-129-090(c), all costs of appeal or grievance shall be borne by the college: *Provided, however,* That if an appellant loses at all levels of appeal, the cost of the Level IV hearing shall be borne equally between the faculty member and the college. [Order 74-5, § 172-129-150, filed 2/21/74.]

WAC 172-129-160 Content of grievance and appeal forms. The content and form of the various grievance and appeal forms referred to in this chapter shall be promulgated from time to time by the president of the college. [Order 74-5, § 172-129-160, filed 2/21/74.]

Chapter 172-136 WAC COLLEGE FACILITIES

WAC

172-136-010	Introduction.
172-136-020	Employee organization defined.
172-136-030	Meeting rooms.
172-136-040	Use of mail service by employee organizations.
172-136-050	Telephone usage.
172-136-060	Use of duplicating and photocopying equipment.
172-136-070	Use of secretarial and other supporting staff services.
172-136-080	Office equipment and supplies.
172-136-090	Travel expense.
172-136-100	Access to college records.
172-136-110	Conduct of employee organization business during scheduled working hours.
172-136-120	Conflicts with contractual provisions.
172-136-500	Tawanka Commons.
172-136-600	Commercial activities.
172-136-610	Commercial activities defined.

172-136-620 Penalties for violations of commercial activities regulations.

WAC 172-136-010 Introduction. The Board of Trustees of Eastern Washington State College pursuant to RCW 28B.40.120 has adopted the following rules and regulations relating to the use of college resources by employee organizations at Eastern Washington State College. The regulations set forth in this chapter are designed to control the use of college resources by employee organizations and their members when conducting the business of such organizations: *Provided, however,* That nothing in this chapter shall be construed to limit the use of college resources by members of employee organizations when such members are acting in their capacities as employees of Eastern Washington State College during the conduct of college business. [Order 73-6, § 172-136-010, filed 3/20/73.]

WAC 172-136-020 Employee organization defined. An "employee organization" means an organization of any kind having as a primary purpose the improvement of terms and conditions of employment of employees holding faculty, classified staff, or exempt position appointments: *Provided,* That the term, "employee organization", shall not include the Academic Senate created by section 520.00 of the Eastern Washington State College Bylaws. For the purposes of this chapter, references to limits and scope of activities by employee organizations shall be construed to affect and limit the conduct of persons acting on behalf of employee organizations. [Order 73-6, § 172-136-020, filed 3/20/73.]

WAC 172-136-030 Meeting rooms. Employee organizations may schedule rooms for the conduct of meetings through the office of the director of student activities on the same basis as other college organizations. [Order 73-6, § 172-136-030, filed 3/20/73.]

WAC 172-136-040 Use of mail service by employee organizations. (1) Employee organizations may use the facilities of the campus post office for intra-campus distribution of written organizational material to their membership or to the college community at large, provided that official college communications shall be given priority of distribution.

(2) Employee organizations may not use college postage or postal permits for the mailing of organizational materials off campus. [Order 73-6, § 172-136-040, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-050 Telephone usage. (1) Employee organizations may use college telephones for intra-campus calls.

(2) In accordance with the rules of the department of general administration, members and officials of employee organizations may not use college telephones for calls off campus on the state controlled access network (SCAN), the state-wide area telephone system (WATS), or the lease lines to Spokane when such calls concern business of the employee organization. Such calls shall be considered to be calls for purposes other

than state business. [Order 73-6, § 172-136-050, filed 3/20/73.]

WAC 172-136-060 Use of duplicating and photocopying equipment. Employee organizations may use the facilities of the college central duplicating and photocopying units by paying the regular charges established for such services. [Order 73-6, § 172-136-060, filed 3/20/73.]

WAC 172-136-070 Use of secretarial and other supporting staff services. Employee organizations may not use for organizational purposes the services of college secretaries, typists, or other supporting staff during the college duty hours of such staff. [Order 73-6, § 172-136-070, filed 3/20/73.]

WAC 172-136-080 Office equipment and supplies. College supplies may not be used by any employee organization. Office equipment, such as desks, typewriters, and other paraphernalia normally utilized by employees during the course of their regular working hours may be used by such employees in the conduct of employee organization business provided such usage does not take place during their regular working hours. [Order 73-6, § 172-136-080, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-090 Travel expense. Travel expenses of staff members on employee organization business shall not be paid by the college. College vehicles shall not be used for employee organization business. [Order 73-6, § 172-136-090, filed 3/20/73.]

WAC 172-136-100 Access to college records. Employee organizations shall have access to college records on the same basis as any citizen as set forth in chapter 172-09 WAC. [Order 73-6, § 172-136-100, filed 3/20/73.]

WAC 172-136-110 Conduct of employee organization business during scheduled working hours. (1) Faculty members of Eastern Washington State College who belong to employee organizations shall conduct business related to such an organization only in the event that such business does not interfere with the primary responsibilities that the members owe the college as a condition of employment.

(2) The conduct of business of employee organizations by members of the administrative staff shall not take place during the regularly assigned working hours of the staff members unless such use of staff time is specifically authorized by the president or the appropriate vice president, provided that meetings called by the president or a vice president with representatives of such organizations may be held during regular working hours.

(3) The business of organizations representing classified staff shall not be conducted by any employee of Eastern Washington State College during his or her

regular working hours except as may be provided by contract between the organization and the Board of Trustees or as may be specifically authorized by the president, the Vice President for Business and Management, or the Director of Personnel. [Order 73-6, § 172-136-110, filed 3/20/73.]

WAC 172-136-120 Conflicts with contractual provisions. Should any provisions of these rules and regulations be in conflict with any provision of a contract between an employee organization and the Board of Trustees, the contractual provisions shall prevail. [Order 73-6, § 172-136-120, filed 3/20/73.]

WAC 172-136-500 Tawanka Commons. Service at Tawanka Commons is restricted to students, faculty, staff and their guests. This facility is not open for service to the general public. [Order 73-4, § 172-136-500, filed 2/20/73.]

WAC 172-136-600 Commercial activities. Eastern Washington State College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college department or of the Vice President for Student Services or his designee: *Provided*, That such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic. [Order 73-9, § 172-136-600, filed 3/20/73.]

WAC 172-136-610 Commercial activities defined. For the purposes of this chapter, the term, "commercial activities", does not include handbills, leaflets, or newspapers distributed free of charge by any student or students or by members of recognized student organizations or by college personnel that are distributed in a manner that does not unreasonably interfere with the ingress and egress of persons or the free flow of vehicular or pedestrian traffic, nor does it include commercial items sold through the college bookstore or any other facility at the direction of the Vice President for Business and Management. [Order 73-9, § 172-136-610, filed 3/20/73.]

WAC 172-136-620 Penalties for violations of commercial activities regulations. (1) Any violation of WAC 172-136-600 by a student of Eastern Washington State College shall be deemed a violation of the Student Conduct Code, WAC 172-120-040.

(2) Nonstudent persons violating WAC 172-136-600 may be referred to civil authorities for appropriate prosecutions, including violations of the law of criminal trespass. [Order 73-9, § 172-136-620, filed 3/20/73.]

Chapter 172-138 WAC**EASTERN WASHINGTON STATE COLLEGE
BOOKSTORE****WAC**

- 172-138-010 Eastern Washington State College bookstore operating procedures.
 172-138-020 Return and refund policy.
 172-138-030 Personal credit.
 172-138-040 Eastern Washington State College bookstore pricing policies.

WAC 172-138-010 Eastern Washington State College bookstore operating procedures. (1) The opening and closing hours of the college bookstore are established by the bookstore manager. Changes in operating hours or schedules will be preceded by notices posted conspicuously in the bookstore for seven calendar days before the change takes effect.

(2) Entering customers are required to leave their books and briefcases at the entrance to the bookstore on the shelves provided. [Order 72-13, § 172-138-010, filed 9/20/72.]

WAC 172-138-020 Return and refund policy. (1) Defective merchandise may be returned within a reasonable time for replacement or refund at the discretion of the bookstore manager.

(2) New books may be returned for refund on specified dates as established and posted by the bookstore manager. The proper "drop-card" and sales slip must be presented.

(3) Exceptions to the above are subject to the discretion of the bookstore manager. [Order 72-13, § 172-138-020, filed 9/20/72.]

WAC 172-138-030 Personal credit. Personal credit is permitted only through the use of properly authorized Mastercharge or BankAmericard transactions. Credit will be extended to authorized public agencies when the occasion demands such service. [Order 72-13, § 172-138-030, filed 9/20/72.]

WAC 172-138-040 Eastern Washington State College bookstore pricing policies. The pricing policies of the bookstore are established at the discretion of the bookstore manager. Such pricings may be subject to review by the board of trustees of Eastern Washington State College pursuant to RCW 28B.15.410. [Order 72-13, § 172-138-040, filed 9/20/72.]

Reviser's note: RCW 28B.15.410 was repealed by section 24, chapter 279, Laws of 1971 1st ex. sess.

Chapter 172-140 WAC**PLACEMENT SERVICE FACILITIES****WAC**

- 172-140-010 Placement service facilities.
 172-140-015 Definitions.
 172-140-020 Eligibility for placement services.
 172-140-030 Establishing a placement file.
 172-140-040 Use of placement files.
 172-140-050 Eligibility for recruitment at the placement office.

172-140-060 Fees charged for use of placement office services.

WAC 172-140-010 Placement service facilities. The placement office is maintained as a service to graduating students and alumni of Eastern Washington State College who are seeking teaching positions and other types of employment. [Order 72-14, § 172-140-010, filed 9/20/72.]

WAC 172-140-015 Definitions. (1) "Eligible person" shall mean anyone who fully meets the eligibility requirements provided for in WAC 172-140-020.

(2) "His" or "him", as used throughout these regulations, shall accomplish reference to both the male and female sexes.

(3) "Placement Office Explanation Sheet" shall mean that sheet utilized by the Placement Office to advise any eligible persons of their rights under these regulations, and shall further contain a waiver and consent form containing elements required by WAC 172-140-040(2), in which an eligible person shall make an election as to whether he wishes to have his placement file be confidential or open. [Order 75-2, § 172-140-015, filed 3/3/75.]

WAC 172-140-020 Eligibility for placement services. (1) To be fully eligible for placement services, a person must have received a degree or certificate from Eastern Washington State College.

(2) In anticipation of a degree or certificate, graduates of other institutions may start their file after they have satisfactorily completed two (2) quarters in residence towards an advanced degree or certificate from Eastern Washington State College, and have been accepted into their particular program.

(3) In anticipation of a degree, seniors who have satisfactorily completed two (2) quarters in residence towards a degree from Eastern Washington State College may start their file the quarter they obtain senior status. [Order 72-14, § 172-140-020, filed 9/20/72.]

WAC 172-140-030 Establishing a placement file. The placement office will maintain a placement file for eligible students and alumni of Eastern Washington State College. However, it is the responsibility of the eligible individuals to start their files and to keep them current. [Order 72-14, § 172-140-030, filed 9/20/72.]

WAC 172-140-040 Use of placement files. (1) After November 21, 1974, any eligible person who establishes a new placement file or who initiates a request for placement services or has an employer request his placement file shall be accorded the option to have his placement file be open or confidential before any action or transmittal of his placement file. Such option shall be exercised by indicating on the Placement Office Explanation Sheet whether the eligible person desires:

(a) A confidential file in which:

(i) The references contained therein are not accessible to anyone except authorized Placement Office employees and requesting employers utilizing Placement Office services;

(ii) The eligible person has no right of inspection of his own Placement Office file;

(iii) The eligible person gives his consent for all information, facts, and opinions contained in his Placement file to be submitted to any prospective employer who has a bona fide interest in the eligible person's qualifications as an employee until the eligible person gives the Placement Office written notice that he no longer wants dissemination of such information to prospective employers without his consent, or

(b) An open file in which:

(i) All references will be open for the eligible person to inspect and review in the Placement Office.

(ii) All prior references placed in an eligible person's placement file on a confidential basis will either be destroyed by the Placement Office or, at the eligible person's request, returned to the original writer.

(iii) The eligible person gives his consent for all information, facts, and opinions contained in his placement file to be submitted to any prospective employer who has a bona fide interest in the eligible person's qualifications as an employee until the eligible person gives the Placement Office written notice that he no longer wants dissemination of such information to prospective employers without his consent.

(2) That portion of the Placement Office Explanation Sheet providing for an election by an eligible person to have his file remain confidential shall fully apprise such eligible person that he has a right to inspect his placement file and that confidential references may be detrimental to him, so that such Explanation Sheet and Waiver and Consent portion thereof shall provide information sufficient to accomplish a knowing and intelligent waiver of an eligible person's rights to have his file be open to inspection, as those rights are now accorded such eligible person by the Family Educational Rights and Privacy Act of 1974, Public Law 93-380, #513, also annotated as 20 U.S.C.A. 1232 and amended Public Law 90-247 Section 438, and amended by Senate Joint Resolution 40 and Guidelines established by H.E.W. in 45CFR Part 99.

(3) In the event that an individual wishes to start a placement file at another college or university and is eligible to do so, his or her file may be transferred to such college or university. [Order 75-2, § 172-140-040, filed 3/3/75; Order 72-14, § 172-140-040, filed 9/20/72.]

WAC 172-140-050 Eligibility for recruitment at the placement office. All legitimate employers are welcome to recruit in the placement office of Eastern Washington State College and shall be afforded an equal opportunity to do so. Location as to where recruitment may be conducted on campus shall be determined by the placement office. [Order 72-14, § 172-140-050, filed 9/20/72.]

WAC 172-140-060 Fees charged for use of placement office services. (1) The placement office may charge a fee for its various services, as approved by the board of trustees of Eastern Washington State College pursuant to RCW 28B.15.410.

(2) Placement office services may be denied an individual for failure to pay present and past due obligations owed to the placement office. [Order 72-14, § 172-140-060, filed 9/20/72.]

Reviser's note: RCW 28B.15.410 was repealed by section 24, chapter 279, Laws of 1971 1st ex. sess.

Chapter 172-144 WAC SPECIAL CHARGES—FINANCIAL RESPONSIBILITY

WAC

172-144-010	Purpose.
172-144-020	Authority of the college to make deductions.
172-144-030	Deductions with ten day notice.
172-144-040	Periodic deductions.
172-144-050	Right to appeal assessed financial obligations.

WAC 172-144-010 Purpose. Commensurate with the privileges afforded individual students in the employ of Eastern Washington State College, an employee has a financial responsibility to the college for legitimate financial obligations owed to the college. [Order 73-12, § 172-144-010, filed 5/22/73.]

WAC 172-144-020 Authority of the college to make deductions. (1) Except as provided in WAC 172-144-030, following thirty calendar days' notice to the employee, the college may deduct from the net remuneration owed to the employee by the college for that particular pay period, the amount of any or all fees, charges, debts, fines, or other financial obligations owed to the college, which shall include but are not limited to the following:

- (a) Enrollment fees;
- (b) Housing charges;
- (c) Short-term loan;
- (d) Personal telephone tolls charged to a college number;
- (e) Bookstore debts;
- (f) Parking fines;
- (g) Damages to college property.

(2) The thirty day notice as provided for in WAC 172-144-020(1) shall contain a statement setting forth the manner in which the financial obligations were incurred by the employee and the amount assessed. [Order 73-12, § 172-144-020, filed 5/22/73.]

WAC 172-144-030 Deductions with ten day notice. All terminal paychecks may have financial obligations deducted from them: *Provided*, That a letter of explanation as to the amounts and the reasons for their deduction(s) shall be sent to the employee with ten calendar days' notice prior to issuance of such terminal paycheck. [Order 73-12, § 172-144-030, filed 5/22/73.]

WAC 172-144-040 Periodic deductions. Should such deductions for any pay period produce a material and substantial hardship on the assessed employee, the college may enter into an agreement with the employee

that may be promulgated from time to time by the Board of Trustees.

(3) If the Board of Trustees does not find any of the three nominees suggested to the board by the chairman of the Academic Senate acceptable, the board shall, within a reasonable time, so notify such chairman; who must then, within five days after receipt of notice of rejection of the hearing examiner candidates, provide a list of three more nominees who shall also be submitted in accordance with the standards provided for in this section. A final designation by the Board of Trustees for hearing examiner who shall hear the appeals at Level IV shall occur within a reasonable time after it first receives notification of an appeal to Level IV. [Order 74-5, § 172-129-140, filed 2/21/74.]

WAC 172-129-145 Scope of authority conferred upon hearing examiner. The hearing examiner appointed by the Board of Trustees at Level IV, pursuant to WAC 172-129-130, shall not only prepare the findings of fact and conclusions of law that shall be submitted to the board, but such hearing examiner's findings as to credibility shall be deemed final and his findings of fact shall not be overturned by the board unless such proposed findings of fact are not supported by substantial evidence. [Order 74-5, § 172-129-145, filed 2/21/74.]

WAC 172-129-150 Costs of appeals and grievances. Except for those cases in which the parties agree to make a formal record or transcript and share the costs thereof, pursuant to WAC 172-129-090(c), all costs of appeal or grievance shall be borne by the college: *Provided, however,* That if an appellant loses at all levels of appeal, the cost of the Level IV hearing shall be borne equally between the faculty member and the college. [Order 74-5, § 172-129-150, filed 2/21/74.]

WAC 172-129-160 Content of grievance and appeal forms. The content and form of the various grievance and appeal forms referred to in this chapter shall be promulgated from time to time by the president of the college. [Order 74-5, § 172-129-160, filed 2/21/74.]

Chapter 172-136 WAC COLLEGE FACILITIES

WAC

172-136-010	Introduction.
172-136-020	Employee organization defined.
172-136-030	Meeting rooms.
172-136-040	Use of mail service by employee organizations.
172-136-050	Telephone usage.
172-136-060	Use of duplicating and photocopying equipment.
172-136-070	Use of secretarial and other supporting staff services.
172-136-080	Office equipment and supplies.
172-136-090	Travel expense.
172-136-100	Access to college records.
172-136-110	Conduct of employee organization business during scheduled working hours.
172-136-120	Conflicts with contractual provisions.
172-136-500	Tawanka Commons.
172-136-600	Commercial activities.
172-136-610	Commercial activities defined.

172-136-620 Penalties for violations of commercial activities regulations.

WAC 172-136-010 Introduction. The Board of Trustees of Eastern Washington State College pursuant to RCW 28B.40.120 has adopted the following rules and regulations relating to the use of college resources by employee organizations at Eastern Washington State College. The regulations set forth in this chapter are designed to control the use of college resources by employee organizations and their members when conducting the business of such organizations: *Provided, however,* That nothing in this chapter shall be construed to limit the use of college resources by members of employee organizations when such members are acting in their capacities as employees of Eastern Washington State College during the conduct of college business. [Order 73-6, § 172-136-010, filed 3/20/73.]

WAC 172-136-020 Employee organization defined. An "employee organization" means an organization of any kind having as a primary purpose the improvement of terms and conditions of employment of employees holding faculty, classified staff, or exempt position appointments: *Provided,* That the term, "employee organization", shall not include the Academic Senate created by section 520.00 of the Eastern Washington State College Bylaws. For the purposes of this chapter, references to limits and scope of activities by employee organizations shall be construed to affect and limit the conduct of persons acting on behalf of employee organizations. [Order 73-6, § 172-136-020, filed 3/20/73.]

WAC 172-136-030 Meeting rooms. Employee organizations may schedule rooms for the conduct of meetings through the office of the director of student activities on the same basis as other college organizations. [Order 73-6, § 172-136-030, filed 3/20/73.]

WAC 172-136-040 Use of mail service by employee organizations. (1) Employee organizations may use the facilities of the campus post office for intra-campus distribution of written organizational material to their membership or to the college community at large, provided that official college communications shall be given priority of distribution.

(2) Employee organizations may not use college postage or postal permits for the mailing of organizational materials off campus. [Order 73-6, § 172-136-040, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-050 Telephone usage. (1) Employee organizations may use college telephones for intra-campus calls.

(2) In accordance with the rules of the department of general administration, members and officials of employee organizations may not use college telephones for calls off campus on the state controlled access network (SCAN), the state-wide area telephone system (WATS), or the lease lines to Spokane when such calls concern business of the employee organization. Such calls shall be considered to be calls for purposes other

than state business. [Order 73-6, § 172-136-050, filed 3/20/73.]

WAC 172-136-060 Use of duplicating and photocopying equipment. Employee organizations may use the facilities of the college central duplicating and photocopying units by paying the regular charges established for such services. [Order 73-6, § 172-136-060, filed 3/20/73.]

WAC 172-136-070 Use of secretarial and other supporting staff services. Employee organizations may not use for organizational purposes the services of college secretaries, typists, or other supporting staff during the college duty hours of such staff. [Order 73-6, § 172-136-070, filed 3/20/73.]

WAC 172-136-080 Office equipment and supplies. College supplies may not be used by any employee organization. Office equipment, such as desks, typewriters, and other paraphernalia normally utilized by employees during the course of their regular working hours may be used by such employees in the conduct of employee organization business provided such usage does not take place during their regular working hours. [Order 73-6, § 172-136-080, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-090 Travel expense. Travel expenses of staff members on employee organization business shall not be paid by the college. College vehicles shall not be used for employee organization business. [Order 73-6, § 172-136-090, filed 3/20/73.]

WAC 172-136-100 Access to college records. Employee organizations shall have access to college records on the same basis as any citizen as set forth in chapter 172-09 WAC. [Order 73-6, § 172-136-100, filed 3/20/73.]

WAC 172-136-110 Conduct of employee organization business during scheduled working hours. (1) Faculty members of Eastern Washington State College who belong to employee organizations shall conduct business related to such an organization only in the event that such business does not interfere with the primary responsibilities that the members owe the college as a condition of employment.

(2) The conduct of business of employee organizations by members of the administrative staff shall not take place during the regularly assigned working hours of the staff members unless such use of staff time is specifically authorized by the president or the appropriate vice president, provided that meetings called by the president or a vice president with representatives of such organizations may be held during regular working hours.

(3) The business of organizations representing classified staff shall not be conducted by any employee of Eastern Washington State College during his or her

regular working hours except as may be provided by contract between the organization and the Board of Trustees or as may be specifically authorized by the president, the Vice President for Business and Management, or the Director of Personnel. [Order 73-6, § 172-136-110, filed 3/20/73.]

WAC 172-136-120 Conflicts with contractual provisions. Should any provisions of these rules and regulations be in conflict with any provision of a contract between an employee organization and the Board of Trustees, the contractual provisions shall prevail. [Order 73-6, § 172-136-120, filed 3/20/73.]

WAC 172-136-500 Tawanka Commons. Service at Tawanka Commons is restricted to students, faculty, staff and their guests. This facility is not open for service to the general public. [Order 73-4, § 172-136-500, filed 2/20/73.]

WAC 172-136-600 Commercial activities. Eastern Washington State College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college department or of the Vice President for Student Services or his designee: *Provided*, That such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic. [Order 73-9, § 172-136-600, filed 3/20/73.]

WAC 172-136-610 Commercial activities defined. For the purposes of this chapter, the term, "commercial activities", does not include handbills, leaflets, or newspapers distributed free of charge by any student or students or by members of recognized student organizations or by college personnel that are distributed in a manner that does not unreasonably interfere with the ingress and egress of persons or the free flow of vehicular or pedestrian traffic, nor does it include commercial items sold through the college bookstore or any other facility at the direction of the Vice President for Business and Management. [Order 73-9, § 172-136-610, filed 3/20/73.]

WAC 172-136-620 Penalties for violations of commercial activities regulations. (1) Any violation of WAC 172-136-600 by a student of Eastern Washington State College shall be deemed a violation of the Student Conduct Code, WAC 172-120-040.

(2) Nonstudent persons violating WAC 172-136-600 may be referred to civil authorities for appropriate prosecutions, including violations of the law of criminal trespass. [Order 73-9, § 172-136-620, filed 3/20/73.]

Chapter 172-138 WAC**EASTERN WASHINGTON STATE COLLEGE
BOOKSTORE****WAC**

- 172-138-010 Eastern Washington State College bookstore operating procedures.
 172-138-020 Return and refund policy.
 172-138-030 Personal credit.
 172-138-040 Eastern Washington State College bookstore pricing policies.

WAC 172-138-010 Eastern Washington State College bookstore operating procedures. (1) The opening and closing hours of the college bookstore are established by the bookstore manager. Changes in operating hours or schedules will be preceded by notices posted conspicuously in the bookstore for seven calendar days before the change takes effect.

(2) Entering customers are required to leave their books and briefcases at the entrance to the bookstore on the shelves provided. [Order 72-13, § 172-138-010, filed 9/20/72.]

WAC 172-138-020 Return and refund policy. (1) Defective merchandise may be returned within a reasonable time for replacement or refund at the discretion of the bookstore manager.

(2) New books may be returned for refund on specified dates as established and posted by the bookstore manager. The proper "drop-card" and sales slip must be presented.

(3) Exceptions to the above are subject to the discretion of the bookstore manager. [Order 72-13, § 172-138-020, filed 9/20/72.]

WAC 172-138-030 Personal credit. Personal credit is permitted only through the use of properly authorized Mastercharge or BankAmericard transactions. Credit will be extended to authorized public agencies when the occasion demands such service. [Order 72-13, § 172-138-030, filed 9/20/72.]

WAC 172-138-040 Eastern Washington State College bookstore pricing policies. The pricing policies of the bookstore are established at the discretion of the bookstore manager. Such pricings may be subject to review by the board of trustees of Eastern Washington State College pursuant to RCW 28B.15.410. [Order 72-13, § 172-138-040, filed 9/20/72.]

Reviser's note: RCW 28B.15.410 was repealed by section 24, chapter 279, Laws of 1971 1st ex. sess.

Chapter 172-140 WAC**PLACEMENT SERVICE FACILITIES****WAC**

- 172-140-010 Placement service facilities.
 172-140-015 Definitions.
 172-140-020 Eligibility for placement services.
 172-140-030 Establishing a placement file.
 172-140-040 Use of placement files.
 172-140-050 Eligibility for recruitment at the placement office.

172-140-060 Fees charged for use of placement office services.

WAC 172-140-010 Placement service facilities. The placement office is maintained as a service to graduating students and alumni of Eastern Washington State College who are seeking teaching positions and other types of employment. [Order 72-14, § 172-140-010, filed 9/20/72.]

WAC 172-140-015 Definitions. (1) "Eligible person" shall mean anyone who fully meets the eligibility requirements provided for in WAC 172-140-020.

(2) "His" or "him", as used throughout these regulations, shall accomplish reference to both the male and female sexes.

(3) "Placement Office Explanation Sheet" shall mean that sheet utilized by the Placement Office to advise any eligible persons of their rights under these regulations, and shall further contain a waiver and consent form containing elements required by WAC 172-140-040(2), in which an eligible person shall make an election as to whether he wishes to have his placement file be confidential or open. [Order 75-2, § 172-140-015, filed 3/3/75.]

WAC 172-140-020 Eligibility for placement services. (1) To be fully eligible for placement services, a person must have received a degree or certificate from Eastern Washington State College.

(2) In anticipation of a degree or certificate, graduates of other institutions may start their file after they have satisfactorily completed two (2) quarters in residence towards an advanced degree or certificate from Eastern Washington State College, and have been accepted into their particular program.

(3) In anticipation of a degree, seniors who have satisfactorily completed two (2) quarters in residence towards a degree from Eastern Washington State College may start their file the quarter they obtain senior status. [Order 72-14, § 172-140-020, filed 9/20/72.]

WAC 172-140-030 Establishing a placement file. The placement office will maintain a placement file for eligible students and alumni of Eastern Washington State College. However, it is the responsibility of the eligible individuals to start their files and to keep them current. [Order 72-14, § 172-140-030, filed 9/20/72.]

WAC 172-140-040 Use of placement files. (1) After November 21, 1974, any eligible person who establishes a new placement file or who initiates a request for placement services or has an employer request his placement file shall be accorded the option to have his placement file be open or confidential before any action or transmittal of his placement file. Such option shall be exercised by indicating on the Placement Office Explanation Sheet whether the eligible person desires:

(a) A confidential file in which:

(i) The references contained therein are not accessible to anyone except authorized Placement Office employees and requesting employers utilizing Placement Office services;

(ii) The eligible person has no right of inspection of his own Placement Office file;

(iii) The eligible person gives his consent for all information, facts, and opinions contained in his Placement file to be submitted to any prospective employer who has a bona fide interest in the eligible person's qualifications as an employee until the eligible person gives the Placement Office written notice that he no longer wants dissemination of such information to prospective employers without his consent, or

(b) An open file in which:

(i) All references will be open for the eligible person to inspect and review in the Placement Office.

(ii) All prior references placed in an eligible person's placement file on a confidential basis will either be destroyed by the Placement Office or, at the eligible person's request, returned to the original writer.

(iii) The eligible person gives his consent for all information, facts, and opinions contained in his placement file to be submitted to any prospective employer who has a bona fide interest in the eligible person's qualifications as an employee until the eligible person gives the Placement Office written notice that he no longer wants dissemination of such information to prospective employers without his consent.

(2) That portion of the Placement Office Explanation Sheet providing for an election by an eligible person to have his file remain confidential shall fully apprise such eligible person that he has a right to inspect his placement file and that confidential references may be detrimental to him, so that such Explanation Sheet and Waiver and Consent portion thereof shall provide information sufficient to accomplish a knowing and intelligent waiver of an eligible person's rights to have his file be open to inspection, as those rights are now accorded such eligible person by the Family Educational Rights and Privacy Act of 1974, Public Law 93-380, #513, also annotated as 20 U.S.C.A. 1232 and amended Public Law 90-247 Section 438, and amended by Senate Joint Resolution 40 and Guidelines established by H.E.W. in 45CFR Part 99.

(3) In the event that an individual wishes to start a placement file at another college or university and is eligible to do so, his or her file may be transferred to such college or university. [Order 75-2, § 172-140-040, filed 3/3/75; Order 72-14, § 172-140-040, filed 9/20/72.]

WAC 172-140-050 Eligibility for recruitment at the placement office. All legitimate employers are welcome to recruit in the placement office of Eastern Washington State College and shall be afforded an equal opportunity to do so. Location as to where recruitment may be conducted on campus shall be determined by the placement office. [Order 72-14, § 172-140-050, filed 9/20/72.]

WAC 172-140-060 Fees charged for use of placement office services. (1) The placement office may charge a fee for its various services, as approved by the board of trustees of Eastern Washington State College pursuant to RCW 28B.15.410.

(2) Placement office services may be denied an individual for failure to pay present and past due obligations owed to the placement office. [Order 72-14, § 172-140-060, filed 9/20/72.]

Reviser's note: RCW 28B.15.410 was repealed by section 24, chapter 279, Laws of 1971 1st ex. sess.

Chapter 172-144 WAC SPECIAL CHARGES—FINANCIAL RESPONSIBILITY

WAC

172-144-010	Purpose.
172-144-020	Authority of the college to make deductions.
172-144-030	Deductions with ten day notice.
172-144-040	Periodic deductions.
172-144-050	Right to appeal assessed financial obligations.

WAC 172-144-010 Purpose. Commensurate with the privileges afforded individual students in the employ of Eastern Washington State College, an employee has a financial responsibility to the college for legitimate financial obligations owed to the college. [Order 73-12, § 172-144-010, filed 5/22/73.]

WAC 172-144-020 Authority of the college to make deductions. (1) Except as provided in WAC 172-144-030, following thirty calendar days' notice to the employee, the college may deduct from the net remuneration owed to the employee by the college for that particular pay period, the amount of any or all fees, charges, debts, fines, or other financial obligations owed to the college, which shall include but are not limited to the following:

- (a) Enrollment fees;
- (b) Housing charges;
- (c) Short-term loan;
- (d) Personal telephone tolls charged to a college number;
- (e) Bookstore debts;
- (f) Parking fines;
- (g) Damages to college property.

(2) The thirty day notice as provided for in WAC 172-144-020(1) shall contain a statement setting forth the manner in which the financial obligations were incurred by the employee and the amount assessed. [Order 73-12, § 172-144-020, filed 5/22/73.]

WAC 172-144-030 Deductions with ten day notice. All terminal paychecks may have financial obligations deducted from them: *Provided*, That a letter of explanation as to the amounts and the reasons for their deduction(s) shall be sent to the employee with ten calendar days' notice prior to issuance of such terminal paycheck. [Order 73-12, § 172-144-030, filed 5/22/73.]

WAC 172-144-040 Periodic deductions. Should such deductions for any pay period produce a material and substantial hardship on the assessed employee, the college may enter into an agreement with the employee

for a method of periodic deductions from the employee's paycheck until such financial obligations owed to the college have been satisfied. [Order 73-12, § 172-144-040, filed 5/22/73.]

WAC 172-144-050 Right to appeal assessed financial obligations. Every employee has the right to appeal a decision of any college department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge. The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice shall be given within ten days after assessment of the charge. Following such notice, the employee shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such a hearing shall be final: *Provided*, That in the event that such fee, charge, debt, fine, or other financial obligation shall exceed two hundred dollars, the assessed employee may waive the appeal provision provided in this section and proceed under civil remedies. [Order 73-12, § 172-144-050, filed 5/22/73.]

Chapter 172-148 WAC EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

WAC

172-148-010	General policy.
172-148-020	Legal bases.
172-148-030	Affirmative action council.
172-148-040	Written objectives of affirmative action plan.
172-148-050	Establishment of minority hiring objectives.
172-148-060	Targets for hiring of female employees.
172-148-070	Promotional opportunities.
172-148-080	Target for recruitment of students.
172-148-090	Notice to higher education personnel board.
172-148-100	Job structuring and classification plan—Classified employees.
172-148-110	Job structuring and classification plan—Faculty and exempt personnel.
172-148-120	Recruitment.
172-148-130	Selection.
172-148-140	Appointment, placement and indoctrination.
172-148-150	Training and education—Minority employees.
172-148-160	Grievance procedure.
172-148-170	Referrals of complaints.
172-148-180	Contract compliance review—Classified personnel staff.
172-148-190	Records and reports.
172-148-200	Affirmative action responsibilities—President of the college.
172-148-210	Employing official responsibilities.
172-148-220	Contract compliance review official.
172-148-230	Equal employment opportunity administrators.
172-148-240	Communication of policy.
172-148-990	Form—Equal employment opportunity report—Classified employees.

WAC 172-148-010 General policy. Eastern Washington State College is an equal opportunity employer and is making a major effort to increase employment opportunities for minority group members and female employees. The college's continued success depends heavily upon the full and effective utilization of

qualified persons, regardless of sex, race, color, religion, age, or national origin. It is the college's intent to intensify its efforts to actively encourage minority group members to seek employment with the college and to take positive affirmative action to increase the number of female employees and minority group members at all levels of employment and, insofar as budget limitations permit, to increase the number of student body registrants of minority backgrounds.

Accordingly, the college will continue to direct its employment personnel practices towards insuring truly equal opportunity for everyone, so that all matters related to recruiting, hiring, training, promotion, transfer, benefits, compensation, and treatment on the job will be free of discriminatory practices.

At the same time, however, the college also realizes that although it will measure itself against specific objectives which will demonstrate progress toward realization of the goal of equal opportunity for all job applicants and employees based upon merit system principles, all faculty and exempt personnel hiring will be made upon professional principles as contained in chapters 300 and 400, of the By-Laws of Eastern Washington State College.

It is the obligation of all members of the college community to assist in achieving the goals of this policy. The college therefore requires that its faculty, administration, students, and classified personnel staff will comply with the equal opportunity policy and affirmative action program described herein. Provided, that the term, "classified personnel", for purposes of this affirmative action program, include student employees and part time employees. The college also requires that other agencies and organizations which do business with or perform services for the college on a contractual basis will also comply with the policy and program described herein. [Order 72-4, § 172-148-010, filed 5/22/72.]

WAC 172-148-020 Legal bases. This broad policy requiring equal opportunities is intended to comply with and pass beyond the minimum requirements of the following applicable state and federal statutes, regulations, and directives:

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

(2) State of Washington, chapter 41.06 RCW, the State Civil Service Act.

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

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

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

(6) Presidential Executive Order 11375 issued September, 1967, amending Presidential Order 11246 to expressly prohibit discrimination on account of sex. [Order 72-4, § 172-148-020, filed 5/22/72.]

WAC 172-148-030 Affirmative action council. To insure that the affirmative action policy and program for classified personnel are coordinated and established, the president will appoint an Affirmative Action Council. Details of the council are as follows:

(1) **Membership.** The members appointed by the president shall include persons officially members of the college community: Faculty personnel, nonfaculty personnel, and students. The president shall appoint seven members: Two faculty personnel, two members of the classified staff, two students, and one administrator. At least two of the seven persons appointed by the president shall be female and at least two shall be minority persons: *Provided*, That minority persons may also be female.

(2) **Chairman.** The chairman of the council shall be designated by the members and shall preside at all meetings of the council.

(3) **Term.** All members designated by the president shall serve three year terms which shall be staggered on a basis to insure that at least two persons are serving their first year, two persons serving their second year, and two persons serving their third year on the council.

(4) **Responsibilities.** The council shall have a responsibility to:

(a) Meet at least once each academic quarter to generally review the progress and administration of this affirmative action and equal opportunity program.

(b) Distribute and interpret the human rights policy to all segments of the campus and to community agencies and individuals as may be necessary.

(c) Review regularly (at least annually) all procedures established and executed by deans, department chairmen, and other administrators of operating units of the college which have a relationship to the college policy on nondiscrimination.

(d) Review and recommend procedural and regulatory statements as may be needed to update the college policy on nondiscrimination.

(e) Become familiar with any new or modified governmental policy or procedure on nondiscrimination which may affect college policy or procedure.

(f) Review and make recommendations upon any proposed procedure or rule on nondiscrimination which may be written and distributed by anyone on campus for consumption by a college-wide audience.

(g) Construct and maintain a procedure whereby complaints from individuals and/or groups may be heard if such complaints may be in violation of college policy, per WAC 172-148-160.

(h) Construct procedures which may be taken to investigate alleged or suspected discriminatory practices.

(i) Recommend to the president of the college actions which may be taken to correct violations of this policy.

(j) Submit an annual, comprehensive report to the president of the college. The report shall include:

(i) Recommendations for modification of policy statements.

(ii) Review and recommendations concerning steps taken by various administrators to fulfill written procedure.

(iii) Summary of complaints together with subsequent action concerning such complaints.

(iv) Recommendations for further modification or strengthening of procedures to ensure nondiscrimination.

(k) Administer the grievance procedures outlined in WAC 172-148-160 hereof.

(l) Implement all objectives of this affirmative action program and equal opportunity policy. [Order 72-4, § 172-148-030, filed 5/22/72.]

WAC 172-148-040 Written objectives of affirmative action plan. A statement of the affirmative action plan's specific objectives for faculty, exempt personnel, classified personnel, and students of the college will be prepared on an annual basis by the Affirmative Action Council. It will be based on an analysis of the number of current personnel in each category of professional and classified employees, including deficiencies in the current employment of female employees and minority group members. The affirmative action plan for each year will include recruitment goals and timetables for each identified area of deficiency. The targets for hiring female employees and minority group members in each job category will be viewed as desired objectives toward which the college intends to take positive affirmative action and to measure its progress, but will not be considered as absolute quotas which must be fulfilled. [Order 72-4, § 172-148-040, filed 5/22/72.]

WAC 172-148-050 Establishment of minority hiring objectives. Goals for recruitment of minority group members are to be based upon the recruitment availability within the local labor market and the state of Washington. The statistics on minority group members residing within each county of the state are provided in the state of Washington's "Pocket Data Book", published by the Office of Program Planning and Fiscal Management. The targets will also be based on the Governor's executive orders for minority employment, which may be required as part of the annual program budget planning procedure. [Order 72-4, § 172-148-050, filed 5/22/72.]

WAC 172-148-060 Targets for hiring of female employees. Affirmative action goals for hiring female employees will be based upon analysis of each faculty, exempt personnel, and classified staff professional or job category having similar wages, duties, and opportunities for advancement. Any job category among classified personnel which should be open to both males and females and which has a representation of less than thirty percent female will be considered an appropriate area for targeting. The goal for total female professional employment, which for the purposes of this affirmative action program includes employment into positions held by faculty and exempt personnel, shall be thirty per cent of

all professional positions. Accordingly, there shall be a target for hiring of new female employees, that shall be an annual average of four percent of the total professional positions: *Provided*, That no less than thirty percent of all new hirings into professional positions in each year of the affirmative action program shall be female. [Order 72-4, § 172-148-060, filed 5/22/72.]

WAC 172-148-070 Promotional opportunities. Written affirmative action objectives for females and minority group employees will include an analysis of high level positions which should be made available on a promotional basis. The college's plan for providing training, uprating and promotional opportunities for females and for minority members will be included in the annual affirmative action written objectives, adopted by the college administration with the advice of the Affirmative Action Council. [Order 72-4, § 172-148-070, filed 5/22/72.]

WAC 172-148-080 Target for recruitment of students. It shall be the goal of this college to recruit and enroll a student body which reflects a significant number of minority group members. The test for significance shall be determined by the percentage of such minority groups in the population of the state. The college shall, in the fulfillment of this goal, make special efforts within its financial resources to bring about this desired student mix.

No students are to be given special consideration in fulfilling graduation requirements of the college, except as may be available for all students through established college policies. [Order 72-4, § 172-148-080, filed 5/22/72.]

WAC 172-148-090 Notice to higher education personnel board. Any changes in the college's annual affirmative action plan for the classified personnel staff will be provided to the director of the Higher Education Personnel Board. [Order 72-4, § 172-148-090, filed 5/22/72.]

WAC 172-148-100 Job structuring and classification plan—Classified employees. The personnel program for classified employees will assure that the classification plan does not include factors which discriminate against female and minority employees.

(1) Specifications will be reviewed, evaluated and (if necessary) revised annually to assure that requirements are job-related. The minimum qualifications should be set at the lowest necessary level for entrance into the class and should include alternative to educational requirements. Minimum educational requirements in a job family series should be limited to those of the entrance class.

(2) Trainee and aide classifications below the current entrance level will be utilized when necessary in support of an affirmative action program leading to entry jobs.

(3) Jobs should be engineered to permit establishment of new classes at several levels and provide career ladders for female and minority employees. On-the-job and

outside training opportunities should be specified to permit females and minority group members to advance toward technical, professional, and supervisory employment opportunities within the classified personnel system.

(4) Classifications should be adopted to enable utilization of federally funded programs to provide entry, training, and career opportunities for minority employees. [Order 72-4, § 172-148-100, filed 5/22/72.]

WAC 172-148-110 Job structuring and classification plan—Faculty and exempt personnel. The personnel programs for exempt personnel and faculty will assure that the professional considerations requisite for any person hired into such a position do not include factors which discriminate against female and minority employees.

As a consequence, specifications will be reviewed and evaluated to assure that requirements are actually related to the professional position. [Order 72-4, § 172-148-110, filed 5/22/72.]

WAC 172-148-120 Recruitment. Through its personnel office which has a responsibility for the hiring of classified employees, and through the various academic departments which have the primary responsibility for faculty recruitment, as well as through the office of the president, communications will be initiated and maintained with minority community leaders, the various public media, and the various state and federal agencies to emphasize that nondiscrimination is a basic element of all college hiring policies. [Order 72-4, § 172-148-120, filed 5/22/72.]

WAC 172-148-130 Selection. The examination and selection system for all college professional and classified positions will be based upon methods which are validated in terms of their relationship to job performance and which eliminate unnecessary cultural bias and discriminatory practices.

All written tests for classified personnel involved in maintenance and entry level civil service positions will be discontinued until they are replaced with validated examination procedures. [Order 72-4, § 172-148-130, filed 5/22/72.]

WAC 172-148-140 Appointment, placement and indoctrination. The employing official for each group of classified personnel, the faculty chairman for each department involved in faculty recruitment, and the president insofar as exempt personnel are concerned, will assure that appointment opportunities at various levels within his organization are established to permit an inflow of minority group members and females. He will assure that all persons under his jurisdiction who have a hiring responsibility will carefully follow up with minority employees during their probationary periods to assure that they are properly placed and given continued indoctrination to permit them to learn to perform their jobs effectively. [Order 72-4, § 172-148-140, filed 5/22/72.]

WAC 172-148-150 Training and education—Minority employees. (1) To the extent college facilities allow, training and educational opportunities will be provided to minority employees to compensate for past educational deficiencies.

(2) The college will make its best efforts to advise female employees of opportunities to compete for job openings at all levels. [Order 72-4, § 172-148-150, filed 5/22/72.]

WAC 172-148-160 Grievance procedure. Any member of the classified staff, the faculty, or one holding an exempt position who feels that he or she has been discriminated against may file a written complaint containing the specified charges of discrimination with the Affirmative Action Council. It is especially urged, however, that all such complaints should be brought to the attention of the supervisor or other person charged with an act of discrimination within one year after such act or actions occurred. The complaint must be first reviewed with the complainant's immediate supervisor, department chairman, or next immediate administrative superior, if the person of such authority is the person against whom the complaint is filed. If the complaint filed with such person of higher authority is not resolved to the satisfaction of the complainant within ten business days after filing of the complaint, the complainant may then submit the complaint to the Affirmative Action Council.

(1) Upon receipt of such complaint by the Affirmative Action Council, the council will then conduct an informal hearing as that term is defined in the Higher Education Administrative Procedure Act of 1971, and will make a determination as to whether it will submit a written recommendation of corrective action on behalf of the complainant to the appropriate employing official.

(2) If the council determines that corrective action has not been implemented by the appropriate employing official within ten days after transmitting its recommendation to the appropriate employing official, the council may transmit its recommendation to the appropriate state or federal agency.

(3) It is hereby recognized that the Affirmative Action Council has no authority to conduct a contested case, as that phrase is understood in the Higher Education Administrative Procedure Act of 1971. Rather, the council's authority is only to make recommendation to the appropriate employing officials and state or federal agencies. [Order 72-4, § 172-148-160, filed 5/22/72.]

WAC 172-148-170 Referrals of complaints. Discrimination complaints which cannot be resolved within the college may be submitted by the complaining party to an appropriate state or federal agency such as one of the following:

(1) State Human Rights Commission. This agency investigates, hears, and acts upon individual employment complaints and other grievances as empowered by chapter 49.60 RCW, the state law against discrimination.

(2) Wage and Hour Division, Department of Labor. This office investigates complaints concerning equal pay for equal work and other grievances concerning work

hours and compensation. The division is authorized to enforce the Fair Labor Standards Act.

(3) Contract compliance agencies (state and federal). Compliance officers having jurisdiction over state and federally-funded projects also receive and act upon complaints of discrimination.

(4) Higher Education Personnel Board. Employees of the classified staff may appeal regarding application of the Higher Education Personnel Law and rules, including complaints of discrimination, per WAC 251-16-010 of the Higher Education Personnel Board rules. [Order 72-4, § 172-148-170, filed 5/22/72.]

WAC 172-148-180 Contract compliance review—Classified personnel staff. (1) The agency having responsibility for federal contract compliance at the colleges and universities is: Contract Compliance Section, Office of Civil Rights, Department of Health, Education & Welfare. This office is authorized (for government contracts of over \$10,000) to conduct a compliance review, including a review of the college's affirmative action program involving the classified personnel staff.

(2) The Department of General Administration is responsible for the administration of State of Washington Executive Order (No. EO-70-01, dated January 30, 1970) pertaining to equal employment opportunity under state construction contracts. Reports of noncompliance and violations are required to be reported promptly to the State Human Rights Commission.

(3) The director, Higher Education Personnel Board, is the primary focal point for requests for compliance review and complaints of discrimination affecting the classified personnel staff under the higher education personnel system. Whenever the college receives a request for a compliance review or receives a complaint against discrimination which requires formal action (beyond that being taken internally as part of the college's own review procedure), the request or complaint should be referred to the director. It is desirable that all possible grievances be resolved within the higher education personnel system, even if investigative action is also taken by another state or federal office having cognizance of the case. [Order 72-4, § 172-148-180, filed 5/22/72.]

WAC 172-148-190 Records and reports. Data for the identification of minority members on personnel records may be acquired by visual observation of the work force or from any post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong or is regarded in the community as belonging. According to federal law, information as to the racial or ethnic identity of an employee should not be listed by direct inquiry. The Washington State Human Rights Commission does, however, permit the practice of inquiring on an employment application form on a voluntary basis only, regarding the applicant's own identification of his minority group status. This practice is permissible provided that it is intended and used for the purposes of taking positive affirmative action to meet objectives for

employment of minority persons. [Order 72-4, § 172-148-190, filed 5/22/72.]

WAC 172-148-200 Affirmative action responsibilities—President of the college. The president will enunciate and periodically reaffirm an explicit equal opportunity and equal employment policy in order to establish and maintain a climate of acceptance throughout the college. He will insure that each dean, director, department chairman, and supervisor having responsibility for hiring is fully cognizant of the president's support of the affirmative action program. The president will:

(1) Discuss equal employment opportunity with the board of trustees, as a formal item on the agenda of the board meeting at least once each year.

(2) Assign the responsibility for implementation of the affirmative action program to employing officials, deans, directors, or department chairmen who have the primary responsibility for employment decisions.

(3) Appoint an Affirmative Action Council for the college as required by WAC 172-148-030 hereof.

(4) Designate the personnel officer or other appointed officials of the college as equal employment opportunity administrators for the classified personnel staff, the faculty, and exempt personnel, respectively.

(5) Designate an official of the college as contract compliance review officer, responsible for affirmative action as required by state and federal contracts. [Order 72-4, § 172-148-200, filed 5/22/72.]

WAC 172-148-210 Employing official responsibilities. The vice presidents of the college will prepare an equal employment opportunity report by October 15th of each year and will provide a copy of the report to the personnel officer for the classified staff, the president, and the Affirmative Action Council. [Order 72-4, § 172-148-210, filed 5/22/72.]

WAC 172-148-220 Contract compliance review official. The vice president for business and management shall be the contract compliance review officer responsible for monitoring surveillance over and compliance with equal employment opportunity provisions of state and federal contracts affecting the college. He will:

(1) Notify subcontractors under federal government contracts of their obligations in compliance with Federal Executive Order No. 11246.

(2) Incorporate the equal employment opportunity clause in each nonexempt first tier subcontract and purchase order having a face value of \$10,000 or more.

(3) For construction projects let under the Department of General Administration, state of Washington:

(a) Print appropriate equal employment opportunity clauses in each contract document.

(b) Inspect the employment records and certificates of each contractor.

(c) Report noncompliance and violations promptly to the State Human Rights Commission.

(4) Notify the director, Higher Education Personnel Board, of each request for compliance review from a federal or state agency, and notify the director of reports

of noncompliance and complaints of discrimination (other than those being processed internally as part of the college internal review procedure) which occur in connection with federal or state contracts under the compliance officer's purview. [Order 72-4, § 172-148-220, filed 5/22/72.]

WAC 172-148-230 Equal employment opportunity administrators. The equal employment opportunity administrators provided for in WAC 172-148-200(4), in coordination with the personnel officer for the classified staff, will:

(1) Maintain surveillance over all personnel activities for members of the college's staff to insure implementation of equal opportunity objectives with regard to recruitment, hiring, work assignments, training, transfers, promotion, and other conditions and privileges of employment.

(2) Coordinate affirmative action programs and data for all personnel of the college; prepare and submit minority employment reports and other data required by the college and by state and federal government agencies.

(3) Assist the Affirmative Action Council by:

(a) Supplying pertinent statistical data on employment of minority group members and female employees by job category and professional placement.

(b) Auditing affirmative action progress by checking results against documented objectives;

(c) Investigating employment deficiencies within job and professional categories for female and minority employees, by gathering facts and making recommendations for corrective action to the council.

(d) Investigating complaints of discrimination by gathering data, making investigations, and providing recommendations.

(4) Provide the director, Higher Education Personnel Board, with the following documents and reports:

(a) A copy of the college's written equal employment opportunity policy and program.

(b) A copy of each semi-annual equal employment opportunity report (see attachment "A") [WAC 172-148-990] by January 1 and July 1 of each year.

(c) A copy of the annual statement of affirmative action plans and specific objectives for classified personnel of the college by October 1 of each year.

(5) Coordinate activities of the equal employment opportunity program with functions of the contract compliance review office and with other minority affairs offices within the college community. [Order 72-4, § 172-148-230, filed 5/22/72.]

WAC 172-148-240 Communication of policy. (1) This equal employment opportunity policy and a summary of the current affirmative action program will be disseminated to all employees at least once each year through official publications or other media.

(2) The new employee orientation program will include a thorough indoctrination in the equal opportunity policy of the college.

(3) Notices of equal employment opportunity will continue to be prominently displayed on bulletin boards in all locations throughout the college.

(4) Deans, directors, department chairmen, and supervisors will explain the intent of the policy and individual responsibility at staff meetings at least once each year to insure effective implementation. The equal employment opportunity program will also be a basic item on the agenda of the board of trustees at least once a year.

(5) Written notification of this policy will be provided to community agencies and persons who request it and to all subcontractors, vendors, and suppliers.

(6) It is the intent of the college that any collective bargaining agreement covering members of the classified staff will include a clause such as the following:

"Nondiscrimination. There shall be no discrimination against any individual with respect to compensation, terms, or conditions of employment, nor with respect to union membership, because of race, color, religion, national origin, age, or sex. Any violation as herein set forth shall constitute a breach of this agreement."

(7) All sources for recruitment of employees will be notified in writing that this policy applies to referrals for employment application. All printed advertisements for employment will contain the phrase, "An Equal Opportunity Employer". [Order 72-4, § 172-148-240, filed 5/22/72.]

WAC 172-148-990 Form—Equal employment opportunity report—Classified employees.

Date: _____

EASTERN WASHINGTON STATE COLLEGE

EQUAL EMPLOYMENT OPPORTUNITY REPORT: CLASSIFIED EMPLOYEES

1. FULL TIME PERMANENT EMPLOYEES

Job Categories	All Employees			Minority Group Employees							
	Total 1	Male 2	Female 3	Male				Female			
				Amer. Indian 4	Negro 5	Oriental 6	Spanish Surname 7	Amer. Indian 8	Negro 9	Oriental 10	Spanish Surname 11
Supervisory Professional & Technical Auxiliary & Aide Office & Clerical Custodial & Service											
Total											

2. PERMANENT PART TIME EMPLOYEES

Job Categories	All Employees			Minority Group Employees							
	Total 1	Male 2	Female 3	Male				Female			
				Amer. Indian 4	Negro 5	Oriental 6	Spanish Surname 7	Amer. Indian 8	Negro 9	Oriental 10	Spanish Surname 11
Supervisory Professional & Technical Auxiliary & Aide Office & Clerical Custodial & Service											
Total											

[Order 72-4, Form—Attachment A (codified as WAC 172-148-990), filed 5/22/72.]

Chapter 172-149 WAC

DISCRIMINATION GRIEVANCE PROCEDURE

WAC

172-149-010 Purpose.
172-149-020 Jurisdiction.
172-149-030 Definitions.

172-149-040 Statement and testimony confidential.
172-149-050 Use of informal administrative processes encouraged.
172-149-060 Informal procedures.
172-149-070 Appointment of hearing officer and alternate.
172-149-080 General procedures for grievance review.
172-149-090 Presidential review.
172-149-100 Burden of proof in grievances.
172-149-110 Costs of grievance review procedure.

WAC 172-149-010 Purpose. The purpose of the following Discrimination Grievance Procedure shall be to promote the interests of the college in its primary endeavors of teaching and learning with related and supporting activities in research, scholarship and service; and to assure a fair hearing for any person covered under Title IX of the Education Amendments of 1972, Title VII of the 1964 Civil Rights Act, or the Rehabilitation Act of 1973 having a grievance relating to discrimination at the college, with the goal of eradicating all forms of discrimination existent in the college.

Every individual, student or employee, or potential student or employee, can expect to be treated in every way free of discrimination. Concomitant, any individual, student or employee, accused of discriminatory practices should be presumed innocent of such acts until proven otherwise. [Order 76-9-2, § 172-149-010, filed 9/23/76.]

WAC 172-149-020 Jurisdiction. The jurisdiction of this chapter shall be limited to matters concerning students, student applicants, faculty, professional and non-professional employees and applicants. Some of the above groups are covered under one or more grievance procedures (see WAC 251-16-010 to 251-16-020 and chapter 172-129 WAC and WFSE Article XII). We encourage individuals who feel they have been the victim of discriminatory treatment to pursue proper redress but insist that the complainant elect one procedure or the other through which to resolve the complaint. The complainant, therefore, may not pursue redress through more than one college grievance procedure. This, of course, does not preclude the complainant from seeking review of his/her complaint by appropriate state or federal enforcement agencies.

A claim of discriminatory treatment as a defense or affirmative defense by a party to a complaint filed by that party shall be considered under the grievance procedure in which the complaint is pending. [Order 76-9-2, § 172-149-020, filed 9/23/76.]

WAC 172-149-030 Definitions. (1) "College" shall mean Eastern Washington State College, an institution of higher education administered by the Board of Trustees pursuant to RCW 28B.40.120, and all the constituent elements administered by the Board thereunder. All communications to the college shall be addressed to the president of the college.

(2) "Days", when used in this chapter, shall mean, except where otherwise indicated, administrative working college days.

(3) "Grievance" is any contention by a grievant that he or she has suffered discrimination violative of the policies enunciated in Title IX of the Education Amendments of 1972, Title VII of the 1964 Civil Rights Act, or the Rehabilitation Act of 1973.

(4) "Grievant" is any student, unsuccessful student applicant, faculty member, or professional or nonprofessional employee or applicant who feels that, on the basis of sex, race, religion, national origin, or handicap, he or she has been excluded from participation in, denied the

benefits of, or subjected to discrimination under any activity of the college, and who wishes to exercise the recourse provided in WAC 172-149-070 et seq. [Order 76-9-2, § 172-149-030, filed 9/23/76.]

WAC 172-149-040 Statement and testimony confidential. Statements, testimony, and all other evidence given at an informal hearing pursuant to this chapter shall be confidential and shall not be subject to discovery or released to anyone, including the person or committee conducting any other hearing authorized by this chapter or any other parties involved, or used for impeachment purposes without permission of the person who divulged the information. [Order 76-9-2, § 172-149-040, filed 9/23/76.]

WAC 172-149-050 Use of informal administrative processes encouraged. Informal review and consultation should be reasonably sought and used by any person covered by this chapter before he or she files a grievance. [Order 76-9-2, § 172-149-050, filed 9/23/76.]

WAC 172-149-060 Informal procedures. (1) A resolution of grievance shall be accomplished as rapidly as possible. The grievant(s) shall first take up the problem or complaint directly with the person or committee responsible for the challenged action or decision. At this state, discussion shall be held in private; every effort shall be made to resolve the problem or deal with the complaint in an informal manner. [Order 76-9-2, § 172-149-060, filed 9/23/76.]

WAC 172-149-070 Appointment of hearing officer and alternate. By October first of each academic year, the College Affirmative Action Officer shall appoint a person to serve as hearing officer for all grievances heard under this WAC chapter. Such hearing officer shall serve a term of one (1) year, and shall not serve more than two (2) consecutive terms in this position. An alternate shall be appointed by the Affirmative Action Officer to fill this position in case the appointed hearing officer should become unable to effectively discharge his responsibilities. The prohibitions contained in By-Laws 300.80.00 and 400.50.00 shall be applicable to this chapter. [Order 76-9-2, § 172-149-070, filed 9/23/76.]

WAC 172-149-080 General procedures for grievance review. If a complainant is not satisfied with the outcome of informal private discussions, he or she may begin hearing procedures by notifying, in writing, the Affirmative Action Officer. Upon receipt of a written complaint, the Affirmative Action Officer will notify the hearing officer who shall then set a time acceptable to both parties for a hearing.

(1) The complaint must be filed with the Affirmative Action Officer by the grievant within thirty (30) days after the occurrence or action being contested. However, consideration will be given to extenuating circumstances beyond the grievant's control which may have delayed the filing beyond this time limit.

(2) The two parties shall decide whether the hearing shall be open or closed, and if agreement cannot be reached, the hearing shall be closed.

(3) If the parties agree that a formal record or transcript of the proceeding shall be furnished, the cost of preparing and producing such a record shall be borne equally by the parties.

(4) Either party may be accompanied in the hearing by others who might contribute to the acceptable adjustment of the grievance and act as counsel for either party; provided, that if the grievant chooses to be represented by an attorney, he or she must provide the college five (5) days' written notice thereof.

(5) Except for simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case should be avoided as far as possible by all parties until the proceedings have been completed.

(6) All individuals involved, and all others who might possibly contribute to the acceptable adjustment of an appeal or grievance, are urged to testify, with full assurance that no reprisal will follow by reason of such participation.

(7) All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the grievant's personal file in a sealed envelope which shall not be opened except for use as legal evidence, and then only upon prior written notice to the grievant. A summary prepared by the hearing officer of the final adjustment of the case and reference to the entire grievance file shall be placed in the grievant's personal file.

(8) A written recommendation containing the findings regarding the contested action shall be delivered to all parties to the complaint by the hearing officer within five (5) days after the conclusion of the hearing. [Order 76-9-2, § 172-149-080, filed 9/23/76.]

WAC 172-149-090 Presidential review. If the grievance is not adjusted to the satisfaction of the grievant or the college, either may, within ten (10) days from receipt of the written findings and recommendations of that hearing, refer the grievance to the President of the college. The President or his designee may, at his option, conduct a formal hearing within ten (10) days after receipt of the appeal. A written decision of the President or his designee shall then be delivered to the appellant within five (5) days; such decision shall contain the President's findings and ruling and shall be deemed a final adjudication of the grievance for the purposes of these rules. [Order 76-9-2, § 172-149-090, filed 9/23/76.]

WAC 172-149-100 Burden of proof in grievances. A grievant covered by this chapter shall have the burden of proving by a preponderance of the evidence that such grievant was, on the basis of sex, race, religion, national origin, or handicap, excluded from participation in, denied the benefits of, or subjected to discrimination under any program of the college. [Order 76-9-2, § 172-149-100, filed 9/23/76.]

WAC 172-149-110 Costs of grievance review procedure. Except for those cases in which the parties agree to make a formal record or transcript and share the costs thereof, pursuant to WAC 172-149-080 hereof, all costs of the grievance review procedure shall be borne by the college. [Order 76-9-2, § 172-149-110, filed 9/23/76.]

Chapter 172-150 WAC EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

WAC

172-150-010	General policy.
172-150-020	Legal bases.
172-150-030	Definitions.
172-150-035	Affirmative action for faculty—Objectives.
172-150-040	Affirmative action for faculty—Course of action.
172-150-050	Affirmative action for faculty—Implementing course of action.
172-150-060	Affirmative action for nonacademic staff—Exempted administration—Classified staff—Objectives.
172-150-070	Affirmative action for nonacademic staff—Exempted administration—Classified staff—Course of action.
172-150-080	Affirmative action for nonacademic staff—Exempt administration—Classified personnel—Implementing course of action.
172-150-090	Affirmative action for educational opportunity—Purpose.
172-150-100	Affirmative action for educational opportunity—Objectives.
172-150-110	Affirmative action for educational opportunity—Course of action.
172-150-120	Affirmative action for educational opportunity—Implementing course of action.
172-150-130	Affirmative action in construction and procurement—Objectives and course of action.
172-150-140	Affirmative action in construction and procurement—Implementing action.
172-150-145	Reductions in force.
172-150-150	Grievance procedure.
172-150-160	Referrals of complaints.
172-150-170	Maternity leave policy.
172-150-180	Dissemination of policy.
172-150-190	Corrective employment status.

WAC 172-150-010 General policy. As a major educational institution, a large scale employer, and an influence on our society through its students, its faculty, its alumni, and its employees, Eastern Washington State College stands committed to the principles of equal opportunity in employment and in education.

In its most elementary form, our adherence to the concept of equality of opportunity requires that considerations of race, sex, national origin, and religion are irrelevant as determinants of the access an individual has to opportunities for education, employment, achievement, and personal fulfillment. Rather, the controlling factors in all such matters must be individual ability, interest, and merit.

It is the college's present course and future intent to move beyond nondiscrimination, i.e., the elimination of all policies and practices that work to the disadvantage of individuals on the basis of race, sex, national origin, or religion, and to reaffirm our commitment to the concept of Affirmative Action.

The principle of Affirmative Action requires the college to determine if it has met its responsibilities to recruit, admit, employ, promote, and reward women and minorities to a degree consistent with the availability of qualified individuals. The fundamental premise underlying this commitment is that the effects of systematic exclusion, inattention, and overt discrimination in the past cannot be remedied in appropriate ways and in a reasonable time by a posture of neutrality. To this end, the college will seek to recruit and employ women and minorities at least in proportion to their availability, and will provide new opportunities for career development when possible and consistent with program and institutional needs which both stimulate and respond to their changing interests, aspirations, and requirements.

Achievement of the foregoing goals and attainment of the longer range objectives require adoption of the following principles:

(1) All categories of employment at the college having fewer minorities and women than would reasonably be expected on the basis of their availability in the work force must be identified. These imbalances must be reduced by vigorous and systematic recruitment efforts, job training, and professional or career development.

(2) All employees will be encouraged to make the fullest use of their skills and talents by participating in educational and career developmental opportunities and by taking advantage of opportunities for promotion and transfer consistent with both the needs of the college and the individual's ability and aspirations.

(3) Compensation, benefits, and support for all staff and other employees will be based on training, experience, and equivalency of position without regard to race, sex, national origin, or religion.

(4) Access to educational programs, financial assistance, and other services and facilities will be provided to students in a manner that does not discriminate against women and minority students.

(5) It will be our goal to increase the numbers of women and members of minority groups within our undergraduate, professional, and graduate student bodies until their enrollment approximates their percentage within the State's population.

(6) Selections among candidates for employment and among student applicants must reflect a recognition that narrow interpretation of qualifications or credentials may have worked to the disadvantage of women and minorities. In other words, the college's employment practices and its admissions policies should emphasize individual merit and performance, in ways that reflect that limited prior opportunity, social discrimination, and enforced segregation influence a person's record of achievement.

(7) Procurement and purchasing practices must assure maximum opportunity for the participation of minority vendors in the provision of services and materials and for the employment of minority contractors and construction workers in the construction of renovation of college facilities, either on or off campus. In this regard, each contractor who seeks EWSC business is expected to have

and to follow an Affirmative Action program that is in accord with federal and state regulations as well as college policy specified in WAC 172-150-130.

(8) The primary responsibility for adherence to these principles and for the establishment of an atmosphere in which the evolving concept of Affirmative Action is accepted and supported, rests with all members of the college community. Accordingly, where appropriate, the work performance of each employee will be evaluated on the basis of his or her equal opportunity efforts and results as well as other criteria specified in college By-Laws. The college therefore assumes that its faculty, administration, students, and classified personnel staff will comply with the Equal Opportunity and Affirmative Action program described hereinafter.

(9) The college will not condone or permit any behavior or action that will in any way interfere with the institutional efforts to insure that protected group members will have equal employment opportunity. Furthermore, the college will insure that all members of the protected group will be able to exercise those rights guaranteed by federal and state laws. [Order 75-6, § 172-150-010, filed 6/16/75.]

WAC 172-150-020 Legal bases. This broad policy requiring Equal Opportunity and Affirmative Action is intended to comply with the requirements of the following applicable state and federal statutes, regulations, and directives:

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

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

(3) State of Washington, Governor Evans' Executive Orders of September, 1966 and July, 1972 relative to agency goals, which set forth a policy of nondiscrimination and Affirmative Action in state employment and state contracts;

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

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

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

(7) Education (Title IX) Amendments of 1972. [Order 75-6, § 172-150-020, filed 6/16/75.]

WAC 172-150-030 Definitions. As used in these regulations, the following terms shall be defined as follows:

(1) "Availability", as defined in 41 CFR 60-2.11(a) (1 and 2), shall mean availability of qualified individuals who are members of a "target group".

(2) "Protected Group" shall mean those individuals who are members of:

(a) "Minorities", as used in this WAC Chapter refers to those persons who are members of a minority group as that term is defined by the U.S. Office of Civil Rights of the Department of Health, Education and Welfare and/or the Washington Human Rights Commission;

(b) The female sex.

(3) "Target Group" shall mean those individuals who are members of a protected group that is the object of any Affirmative Action goals or course of action. [Order 75-6, § 172-150-030, filed 6/16/75.]

WAC 172-150-035 Affirmative action for faculty—Objectives. (1) Aims. At the present time, women and minorities are under-represented in some academic positions within the college, including faculty positions, both tenured and nontenured. Our commitment to a policy of Affirmative Action requires that we make every effort and show substantial progress over time in the following directions:

(a) When normal attrition and/or growth creates vacancies, the college will accept its legal and moral obligations to increase the proportion of minority and women on its faculty and academic staff. This increase will be commensurate with departmental needs for teaching and research talent and consistent with the needs for development of existing and/or professional fields and programs.

(b) The college must seek to broaden the pool of available candidates by recruiting and educating minority and women students (see WAC 172-150-090 through WAC 172-150-120, inclusive).

(c) Additionally, we are committed to supporting those who are now on our faculty and academic staff by providing for them the opportunities for professional growth (for example, by encouraging them to serve on various college committees and in professional organizations both on and off campus) which will in turn increase their representation in the senior ranks of the academic professions. [Order 75-6, § 172-150-035, filed 6/16/75.]

WAC 172-150-040 Affirmative action for faculty—Course of action. (1) Course of Action. The following course of action is intended to achieve the college's goals and meet existing problems in the area of faculty positions at EWSC.

(a) Upon adoption of this plan, and annually thereafter, each academic department will, in cooperation with the Affirmative Action Officer and the Affirmative Action Council, identify the extent to which women and minorities are underutilized in each professional rank, by means of utilization analysis of the departments' facilities and academic staffs (as described in 40 CFR 60-2.11); provided, that "underutilization" is defined as having fewer minorities and women in a particular job classification than would reasonably be expected by their availability. Upon completion of such analysis, the departments shall then establish their plan for eliminating any existing underutilization, subject to availability of

candidates and approval by the Vice President for Academic Affairs, the Affirmative Action Officer, and the Affirmative Action Council.

(b) In areas where there is underutilization of women and minorities, vigorous and systematic recruiting efforts will be undertaken to identify women and minority candidates.

(c) Affirmative Action goals for professional employment within the faculty shall be based on the results of the utilization analysis required in WAC 172-150-040.

(i) For women, there shall be a target for hiring new female employees which shall be no less than thirty per cent (30%) of all new hirings into faculty positions in each year of the Affirmative Action program, until the utilization of women within the college and departments meets availability.

(ii) For minorities, there shall be a target for hiring new minority faculty members which shall be no less than ten per cent (10%) of all new hirings into faculty positions in each year of the Affirmative Action program, until the utilization of minorities within the college and departments meets availability.

(d) Each academic department will seek to increase the pool of potential candidates in their areas by vigorous recruitment of women and minority graduate students. [Order 75-6, § 172-150-040, filed 6/16/75.]

WAC 172-150-050 Affirmative action for faculty—Implementing course of action. (1) Responsibility for implementing course of action.

(a) Responsibility for meeting departmental goals and timetables rests with each college or school dean, who will be assisted in the preparation and implementation of specific plans by the college's Affirmative Action Officer and any staff assistants appointed by the college President to insure effectiveness and continuity.

(b) To insure good communication and to fix responsibility, each college dean will act as college or school Equal Employment Opportunity Representative.

(c) The specific responsibilities of the college or school Equal Employment Opportunity Representative will be as follows:

(i) To seek the support of everyone in the college or school, particularly women and minorities, in identifying problem areas related to the goals of Affirmative Action and in referring qualified minority and women candidates for both academic and nonacademic positions;

(ii) To develop a strategy, including an up-to-date list of contacts, for identifying women and minority applicants in career fields appropriate to the college or school needs;

(iii) To maintain a file on minority and women applicants and potential candidates for academic positions within the college or school;

(iv) To undertake a careful review of employment criteria utilized by departments within each college or school relating to merit and to make certain that all job requirements are necessary for the category under consideration;

(v) To review the criteria for departmental hiring, retention, promotion, and tenure as actually implemented

to insure that procedures are in compliance with the Education Amendments of 1972, HEW Guidelines per Executive Order 11246, and other relevant state and federal regulation.

(iv) To disseminate the latest college policies and procedures on Equal Employment Opportunity to all members of each department in the college or school, both professional and nonprofessional;

(vii) To develop strategies for increasing and available pool of candidates for academic positions, such as actively recruiting women and minorities for graduate programs and training.

(d) It is expected, however, that all members of the academic staff will cooperate and support these efforts, in terms of both their supervisory roles and their participation on various college and school committees. (See WAC 172-150-010(8).) [Order 75-6, § 172-150-050, filed 6/16/75.]

WAC 172-150-060 Affirmative action for nonacademic staff—Exempted administration—Classified staff—Objectives. (1) Women and minorities are underrepresented in many nonacademic positions at the college. Furthermore, the college recognizes that many inequitable situations in employment are rooted in occupational segregation and in stereotyping of roles in our society. These persistent problems have resulted in widely held perceptions by many present and prospective employees, especially those who are minority and women, that job responsibilities and opportunities for advancement are seriously limited and that individual skills and talents will be inadequately recognized and rewarded.

(2) Accordingly, given the college's commitment to equal opportunity in all employment areas, the Affirmative Action plan for nonacademic employment has a double responsibility:

(a) To correct the present underrepresentation and underutilization of women and minorities; and

(b) To reverse feelings of frustration and low expectations for change on the part of many women and minority staff. [Order 75-6, § 172-150-060, filed 6/16/75.]

WAC 172-150-070 Affirmative action for nonacademic staff—Exempted administration—Classified staff—Course of action. In view of both the problems and aims described in WAC 172-150-060, the following course of action has been established:

(1) Upon adoption of this plan, and annually thereafter, the administrative officer responsible for the area, in cooperation with the Affirmative Action Officer and the Affirmative Action Council, will determine within each nonfaculty area (administrative unit, office, department) of Eastern Washington State College the extent to which minorities and women are underutilized and will develop plans for the correction of the deficiencies.

(2) Affirmative Action goals for non-faculty employees will be based upon the results of the utilization analysis required in WAC 172-150-070(1):

(a) For women in:

(i) Exempt administration: there shall be a target for hiring new female employees which shall be no less than thirty per cent (30%) of all new hirings into exempt administrative positions until the utilization of minorities within such positions corresponds to availability.

(ii) Classified personnel: there shall be a target for hiring new female employees into positions where they are underutilized which shall be no less than thirty per cent (30%) of all new hirings into classified positions until the utilization of females within classified positions corresponds to availability.

(b) For minorities in:

(i) Exempted administration: there shall be a target for hiring new minority staff members which shall be no less than ten per cent (10%) of all new hirings into exempted administrative positions, until the utilization of minorities within such positions corresponds to availability.

(ii) Classified personnel: there shall be a target for hiring new minority members which shall be no less than ten per cent (10%) of all new hirings into classified positions, until the utilization of minorities within such positions corresponds to availability.

(3) Vigorous and systematic recruitment of minorities and women both inside and outside the college will be undertaken.

(4) Job training, career counseling, and professional development programs will be offered where appropriate and feasible.

(5) All employees will be informed of the policies, goals, and procedures in respect to nondiscrimination outlined in the college's Affirmative Action program. Special efforts will be made to ensure that women and minorities are aware of specific opportunities for promotion, transfer, and training that may be of interest to them.

(6) Steps will be taken to sensitize supervisors to both subtle and overt forms of discrimination and to inform them in detail about the Affirmative Action program, both in terms of legal requirements and of the college's particular commitments.

(7) The college will make efforts in the direction of improving access by all persons to job categories which have traditionally been preponderantly occupied by woman and/or minorities. [Order 75-6, § 172-150-070, filed 6/16/75.]

WAC 172-150-080 Affirmative action for nonacademic staff—Exempt administration—Classified personnel—Implementing course of action. (1) Responsibility for administration.

(a) Responsibility for meeting the objectives in the area of exempt administration and classified personnel at EWSC rests with the major administrative officer of each nonacademic area (administrative unit, office, or department).

(b) For recruitment, referral, and hiring of candidates for classified staff categories, there is a sharing of responsibility between the administrative unit leadership and the Personnel Office.

(i) Specifically, in order to enable each department to meet its Equal Opportunity goals for classified staff, the Personnel Office is responsible for providing minority and women applicants according to their availability.

(ii) It is the responsibility of individual departments to supply the Personnel Office with basic, essential job requirements for each available classified staff position in sufficient time to allow for a serious search to produce qualified minority and women candidates (as defined in WAC 172-150-010(6)) either from within the college or from external recruitment sources.

(c) An annual review and analysis of all employment categories will be undertaken by the Affirmative Action Officer to monitor progress toward full representation of minority and women employees.

(d) The Affirmative Action Officer and the college President will play the same roles in developing, coordinating, and monitoring departmental Affirmative Action programs as described in WAC 172-150-050(1)(a).

(e) The head of each administrative unit (office or department), or his designee, will be appointed as Equal Employment Opportunity (EEO) Representative and will have specific responsibilities as outlined for academic EEO Representatives in WAC 172-150-050(c). [Order 75-6, § 172-150-080, filed 6/16/75.]

WAC 172-150-090 Affirmative action for educational opportunity—Purpose. The purpose of this section is to describe Eastern Washington State College's commitment to increasing the numbers of women and minority group members in our undergraduate and graduate student body and in all professional programs through a vigorous and systematic program of recruitment and when required through provision of remedial programs designed to correct differences that are the result of prior discrimination or exclusion. [Order 75-6, § 172-150-090, filed 6/16/75.]

WAC 172-150-100 Affirmative action for educational opportunity—Objectives. At the present time, women and minority members of some minority groups are underrepresented in some student categories at EWSC. It is our policy to reduce these imbalances. It is also our objective to remove educational, social, and financial barriers which have discouraged many women and minority students from taking advantage of educational opportunities offered by the college. [Order 75-6, § 172-150-100, filed 6/16/75.]

WAC 172-150-110 Affirmative action for educational opportunity—Course of action. In view of the objectives expressed in WAC 172-150-100, the college has established the following plan of action:

(1) Access to educational programs, financial assistance, and other services and facilities will be provided to students in a manner that does not discriminate against women and minority students.

(2) Minorities and women often feel isolated academically and socially both because of their small numbers and because of cultural and/or sex role stereotypes. To address this problem, the college will provide special

support both formally, through the Office of the Vice-President of Student Services and the Office of the Dean of Undergraduate Studies, and informally by encouraging minority and women faculty, staff, and students to serve as advisors on academic and social matters.

(3) The college is committed to provide special academic support services, where appropriate and feasible, to insure that the needs of students with special problems are met. These services may include the establishment of a Learning Resource Center or Centers in which regular faculty members teach the fundamentals of mathematics, reading, writing, and speech. [Order 75-6, § 172-150-110, filed 6/16/75.]

WAC 172-150-120 Affirmative action for educational opportunity—Implementing course of action. (1) Responsibility for implementation of Affirmative Action programs and procedures in student-related areas rests with all members of the college staff but specifically with the Vice-President for Academic Affairs, the Vice President for Student Services, and the Dean of Undergraduate Studies.

(2) On a yearly basis, the Vice President for Academic Affairs, the Vice President for Student Services, and the Dean of Undergraduate Studies will review their plan and will prepare an annual report which will outline both efforts and progress made toward meeting EWSC goals and federal regulations. This annual report, including any proposed changes in policies or procedures, will be submitted to the President by the end of each academic year and will be reviewed by the Affirmative Action Officer and other appropriate staff. [Order 75-6, § 172-150-120, filed 6/16/75.]

WAC 172-150-130 Affirmative action in construction and procurement—Objectives and course of action. Eastern Washington State College has become a leader in promoting minority group participation in firms engaged in construction, vendor enterprises, and other organizations providing goods and services to the college. To maintain its leadership position in this area and to continue in compliance with the federal and state regulations governing construction and procurement, the college is committed to the following course of action:

(1) In general:

(a) Existing procedures will continue to be employed, and new procedures will be developed to secure maximum participation of minority vendors in college purchasing and minority contractors or construction workers in public works, both on campus and off campus.

(b) An effort will also be made to develop appropriate policies to address the problem of discrimination against women in these areas.

(c) Contractors and vendors will be informed, at the time they enter into a contractual relationship with the college, that failure to achieve the college's Affirmative Action goals may result in disqualification on future contracts.

(2) Construction contracts will contain the following provisions:

(a) An Equal Employment Opportunity clause will be written into all renovation and new construction contracts:

(b) The college, through the department involved, will require contractors, negotiating or bidding on work, to be in compliance with Executive Order No. 11246 and No. 11375 before contracts are awarded;

(c) A description of the plan for minority contractor utilization, including subcontractors, will be required as a component of the bid procedure, and each contractor will be required to establish a minimum goal of the state percentage of minorities for his minority hiring goal;

(d) During actual construction, each prime contractor will submit a monthly statement to the Office of Facilities Planning outlining the work force composition of his entire work force and the use of minorities by his or her organization both directly and through subcontracting;

(e) The Facilities Planning Office representative will visit construction sites weekly to review and report on Affirmative Action compliance.

(3) Vending contracts will contain the following provision:

(a) An Equal Opportunity clause will appear on all purchase orders. [Order 75-6, § 172-150-130, filed 6/16/75.]

WAC 172-150-140 Affirmative action in construction and procurement—Implementing action. (1) Construction contracts. The Vice President for Business and Management shall be responsible for assuring that the provisions of WAC 172-150-130(2)(b) are carried out during all phases of the planning and actual construction of each project.

Reports of each project will be forwarded to the Affirmative Action Officer. The Affirmative Action Officer will be responsible for auditing the construction program efforts and for recommending changes whenever necessary.

(2) Procurement contracts. It is the responsibility of the Director of Purchasing to identify minority and women businesses among potential suppliers and to require the compliance of all suppliers to Executive Orders 11246 and 11375. [Order 75-6, § 172-150-140, filed 6/16/75.]

WAC 172-150-145 Reductions in force. In accordance with College By-Laws and other governing documents, and to the extent permitted by law, the concepts of Affirmative Action developed in this plan shall apply to any reduction in force or layoff. [Order 75-6, § 172-150-145, filed 6/16/75.]

WAC 172-150-150 Grievance procedure. The Affirmative Action Officer, in cooperation with the Affirmative Action Council, will assure that adequate and appropriate grievance procedures which provide for the hearing of complaints of race or sex discrimination as well as all other complaints are developed for all members of the college community. These grievance procedures, for faculty, exempt administrative, students, and classified staff, must include specific procedures for the

hearing of complaints of discrimination because of race or sex.

When charges of discrimination based on race or sex are made, the Affirmative Action Officer will act in an advisory capacity to the appropriate hearing body convened to hear the complaint, to assure that the process for reviewing the charge of discrimination takes into account the provisions of the various state and federal laws dealing with discrimination and/or affirmative action. At the request of either party to the complaint, the Affirmative Action Officer may be in attendance at all stages of the hearing process. [Order 75-6, § 172-150-150, filed 6/16/75.]

WAC 172-150-160 Referrals of complaints. Discrimination complaints which cannot be resolved to the satisfaction of the complaining party, within the college, may be submitted by the complaining party to appropriate state or federal agencies, such as one of the following:

(1) State Human Rights Commission. This agency investigates, hears, and acts upon individual employment complaints and other grievances as empowered by chapter 49.60 RCW, the state law against discrimination.

(2) Wage and Hour Division, Department of Labor. This office investigates complaints concerning equal pay for equal work and other grievances concerning work hours and compensation. The Division is authorized to enforce the Fair Labor Standards Act.

(3) Contract compliance agencies (state and federal) and the Equal Employment Opportunity Commission. Compliance officers having jurisdiction over state and federally funded projects also receive and act upon complaints of discrimination.

(4) Higher Education Personnel Board. Employees of the classified staff may appeal regarding application of the Higher Education Personnel law and Rules, including complaints of discrimination. [Order 75-6, § 172-150-160, filed 6/16/75.]

WAC 172-150-170 Maternity leave policy. (1) Maternity leave, defined as that period of time a woman is physically unable to work because of childbirth or complications of pregnancy, shall be considered a temporary disability and paid leave shall be granted on the same basis as such leave is granted for any other temporary disability as set forth in the college leave policies. Except for disability leave exhausted by absence due to pregnancy, maternity leave shall be granted without loss of other accrued employee benefits and shall be available to married and unmarried women equally.

(2) Pregnancy, or possible pregnancy, shall not preclude the consideration of women for employment, admission, financial assistance, promotion, or any other program provided by the college. [Order 75-6, § 172-150-170, filed 6/16/75.]

WAC 172-150-180 Dissemination of policy. (1) This Equal Employment Opportunity Policy and a summary of the current Affirmative Action Program will be

disseminated to all employees at least once each year through official publications or other media.

(2) The new employee orientation program will include a thorough familiarization with the Equal Opportunity Policy and Affirmative Action Program of the college.

(3) Notices of Equal Employment Opportunity will continue to be prominently displayed on bulletin boards in all locations throughout the college.

(4) Deans, directors, department chairpersons, and supervisors, will explain the intent of the policy and program and individual responsibility at staff meetings at least once every year to insure effective implementation. The Equal Employment Opportunity Policy and the Affirmative Action Program will also be a basic item on the agenda of the Board of Trustees at least once a year.

(5) Written notification of this policy will be provided to community agencies and persons who request it and to all contractors, vendors, and suppliers.

(6) It is the intent of the college that any collective bargaining agreement covering the members of the classified staff will include a clause such as the following:

"Nondiscrimination. There shall be no discrimination against any individual with respect to compensation, terms or conditions of employment, nor with respect to union membership, because of race, color, religion, national origin, age, or sex. Any violation as herein set forth shall constitute a breach of this agreement."

(7) All sources for recruitment of employees will be notified in writing that this policy applies to referrals for employment application. All printed advertisements for employment will contain the phrase, "An Equal Opportunity Employer". [Order 75-6, § 172-150-180, filed 6/16/75.]

WAC 172-150-190 Corrective employment status.

Any organizational unit of the College which is found to have substantial under-representation of women and/or minorities within its work force may be placed on corrective employment status by the administrative officers responsible for that unit until such deficiency is overcome.

While under corrective employment status the organizational unit will be provided additional recruiting resources with which to attempt to overcome underutilization. No modification of bona fide job qualifications will be required under this section. [Order 75-6, § 172-150-190, filed 6/16/75.]

Chapter 172-156 WAC

STATE COLLEGE RESIDENCE HOUSING

WAC

172-156-010	Introduction.
172-156-020	Applicability of housing rules and regulations.
172-156-030	Financial obligations of students residing in Eastern Washington State College residence halls.
172-156-040	Eligibility for Eastern Washington State College residence halls.
172-156-050	Applicable conduct rules and regulations of Eastern Washington State College residence halls.
172-156-060	Subleases or assignments forbidden.

172-156-070 Failure of student to comply with housing rules and regulations.

172-156-080 Waiver by Eastern Washington State College.

WAC 172-156-010 Introduction. The objective of the halls of residence maintained by Eastern Washington State College is to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life. The rules and regulations governing college owned living quarters are established by the board of trustees of Eastern Washington State College pursuant to RCW 28B.40.120. [Order 72-16, § 172-156-010, filed 9/20/72.]

WAC 172-156-020 Applicability of housing rules and regulations. The rules and regulations set forth in this chapter are applicable to and binding upon all persons residing in the Eastern Washington State College residence halls under the terms of the college housing contract which incorporates all rules and regulations set forth by reference. These rules and regulations are in effect from the date of opening of the college residence halls for the fall quarter through the closing of the residence halls at the end of summer quarter. [Order 72-16, § 172-156-020, filed 9/20/72.]

WAC 172-156-030 Financial obligations of students residing in Eastern Washington State College residence halls. (1) The student shall pay room and board fees in accordance with the established schedule of charges for the period involved.

(2) The student shall pay the full cost for any services required beyond the normal provision of room and board for which he has hired an accommodation with the college. This financial obligation includes, but is not limited to, the repair of damages, special claims, loss of college property, and any other extra services the college provides in order to restore the accommodation or to repair any damage suffered in the residence halls because of actions for which the student may reasonably be deemed responsible.

(3) A student who has made a room reservation payment and later decides that he or she will not reside in a college owned hall is entitled to a full refund if the student provided the housing office with a written request for a refund by August 15 for fall quarter, by December 10 for winter quarter, and by March 1 for spring quarter, and by June 1 for summer quarter. After these dates and until the Friday before the beginning of each quarter, a ten dollar (\$10.00) service charge will be assessed for cancellations.

(4) Failure of a student to cancel his or her reservation by the Friday before the beginning of the quarter and/or to fail to claim his room by the second day of instruction, will result in a cancellation of reservation and forfeiture of the reservation fee, which sum is hereby agreed to represent the liquidated damages the college would suffer because of nonuse of the accommodation.

(5) A student who occupies a room and then decides to leave the residence hall during the quarter shall be

assessed for all room and board services made available to the student up to the date that he or she completes the formal withdrawal process, including submission of the authorized withdrawal form to the housing office. The student is responsible for all meals and all days of room rental until the student completes the formal withdrawal procedure, regardless of whether meals are taken or the room is used. Refund of the remaining unused portions of room and board prepayment, less a ten dollar (\$10.00) service charge will be made upon completion of the withdrawal procedure if there is no damage or other charge to the student's account.

(6) All refunds are processed through the college accounting office and are subject to deduction of any outstanding amounts owed to the college for any reason, and will take at least two (2) weeks to process after eligibility is determined.

(7) No pro rata refunds of room and board payments will be made to a student during the last ten (10) days of the quarter. [Order 72-16, § 172-156-030, filed 9/20/72.]

WAC 172-156-040 Eligibility for Eastern Washington State College residence halls. Persons residing in college residence halls must be full fee paying students of the college, registered for at least seven (7) credit hours of resident instruction. [Order 75-10, § 172-156-040, filed 12/22/75; Order 72-16, § 172-156-040, filed 9/20/72.]

WAC 172-156-050 Applicable conduct rules and regulations of Eastern Washington State College residence halls. (1) Residents are expected to comply with applicable college policies, the college constitution, student conduct code, and the by-laws of the student government of the residence hall to which they are assigned. Violations of the student conduct code or the by-laws of the residence hall government which do result in malicious damage to the physical structure or furnishings of the residence hall, conduct or actions which are deemed by such authorities to unreasonably interfere with college and hall functions, or to endanger the health, safety, or welfare of other persons may result in termination of the accommodation contract between the occupant and the college; provided, however, that no such termination shall occur unless the due process procedures required by the student conduct code or the residence hall procedures are complied with.

(2) The student's signature on the housing contract automatically constitutes acceptance of membership in the student association of the hall to which he is assigned, including all rights, privileges, and responsibilities of such membership, and cooperation with house staff members.

(3) The college reserves the right to reassign individuals to different rooms or residence halls at any time in any quarter, and the right to use space in any of the residence halls that is not hired accommodation space.

(4) The college reserves the right to make periodic or unscheduled room inspections for the purpose of fire protection, sanitation, safety, or maintenance.

(5) The student is responsible for the custody and security of his personal belongings at all times. The purchase of individual personal property insurance is encouraged.

(6) The contracting student agrees that when college telephone facilities are used he will immediately reimburse the college for the total cost of long distance calls made by him or incoming calls accepted by him. In the event the college has to take collection action, the student agrees to pay a five dollar (\$5.00) collection fee for each telephone call billed to him.

(7) Weapons will not be kept in the residence halls. Personal belongings that are classified as weapons, which for the purposes of this rule shall be deemed as guns, ammunition, knives, fireworks, and weapons of similar characteristics, must be turned in to the campus security office for storage. They may be released upon request of the owner. [Order 72-16, § 172-156-050, filed 9/20/72.]

WAC 172-156-060 Subleases or assignments forbidden. No part of the accommodation agreement may be assigned to any other party, nor may any right of accommodation therein conferred to the occupant as to any portion of the accommodation occupied by the occupant, be conferred to any third person by any other means without prior written consent of the college. [Order 72-16, § 172-156-060, filed 9/20/72.]

WAC 172-156-070 Failure of student to comply with housing rules and regulations. (1) Failure of the occupant to comply with any of the terms or conditions, or to fulfill any obligation of the accommodation agreement within ten (10) days after written notice by the college, specifying the nature of the default with reasonable particularity, may be deemed a default of the accommodation agreement.

(2) In the event of a default, the agreement may be terminated at the option of the college by notice, in writing, delivered to the occupant.

(3) In the event of termination upon the occupant's default, the college shall be entitled to recover from the unused portion of the room and board prepayment reasonable cost of cleaning, refurbishing, removal, or replacement of properties and fixtures required because of the occupant's failure to abide by the conditions of the accommodation. [Order 72-16, § 172-156-070, filed 9/20/72.]

WAC 172-156-080 Waiver by Eastern Washington State College. Waiver by the college of strict performance of any provision of the accommodation agreement shall not prejudice the college's right to require strict performance of the same provisions in the future nor shall it be deemed a waiver of any other provisions of the accommodation agreement. [Order 72-16, § 172-156-080, filed 9/20/72.]

Chapter 172-158 WAC OFF-CAMPUS LIVING

WAC

172-158-020 Off-campus housing listings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-158-010 Eastern Washington State College freshmen qualified to live in off-campus housing. [Order 72-15, § 172-158-010, filed 9/20/72.] Repealed by Order 75-9, filed 12/22/75.

WAC 172-158-020 Off-campus housing listings. (1) Lists of off-campus rooms and apartments are made available to any student in the office of the housing manager. Listings of off-campus accommodations are made without reference to race, creed, or national origin.

(2) The housing manager of Eastern Washington State College will not list off-campus accommodations unless the operators agree to the policy of nondiscrimination.

(3) The properties are listed as the owners or operators describe them; the college assumes no responsibility for their condition or suitability. [Order 72-15, § 172-158-020, filed 9/20/72.]

Chapter 172-168 WAC LIBRARY POLICIES

WAC

172-168-010 Eastern Washington State College Library.
172-168-020 Selection of services, personnel, resources.
172-168-030 Circulation records.
172-168-040 Inspection.
172-168-050 Prohibited entry.
172-168-060 Smoking.
172-168-070 Displays.
172-168-080 Library carrels.
172-168-090 Gifts.
172-168-100 Library borrowers.
172-168-110 Library circulation policy.
172-168-120 Library fines and charges for lost, damaged, and overdue materials.
172-168-130 Library service fees.

WAC 172-168-010 Eastern Washington State College Library. The Library at Eastern Washington State College exists first and foremost to serve the students and faculty. It also serves the rest of the college community, the regional needs of Eastern Washington, and the general scholarly community. Although normal hours for providing service varies from forty-five to more than eighty hours per week, the Library may adjust these hours to meet changing public demand, availability of staff, and budgetary limitations. [Order 73-10, § 172-168-010, filed 4/18/73.]

WAC 172-168-020 Selection of services, personnel, resources. It is the policy of the Eastern Washington State College Library to select on the basis of what is best and most suitable whether the choice involves staff members, library materials, or equipment and services.

The Library expressly rejects any form of negative selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin, or political viewpoint. [Order 73-10, § 172-168-020, filed 4/18/73.]

WAC 172-168-030 Circulation records. Library circulation records exist to enable the Library to monitor the use of its materials and to aid in the operation of the Library. They are not a matter of public record and borrower information is confidential. Records may be released through subpoena or appropriate administrative action. [Order 73-10, § 172-168-030, filed 4/18/73.]

WAC 172-168-040 Inspection. The Library shall have the right to inspect packages, briefcases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of Library resources. The inspection may be done by persons, by electronic equipment, or other devices designed to detect unauthorized removals. [Order 73-10, § 172-168-040, filed 4/18/73.]

WAC 172-168-050 Prohibited entry. The Library shall have the right to prevent entry of foods and beverages, animals, or other objects or materials detrimental to the Library purpose. [Order 73-10, § 172-168-050, filed 4/18/73.]

WAC 172-168-060 Smoking. Smoking in the JFK Memorial Library is restricted to areas so specified by the College Librarian or his designee. [Order 73-10, § 172-168-060, filed 4/18/73.]

WAC 172-168-070 Displays. Displays utilizing Library space and facilities shall be by invitation only. Solicitation of a display invitation must be submitted to the College Librarian or his designed [designee] for review and evaluation concerning the display's relation to the Library services. The Library shall have discretionary authority regarding the decision to extend display invitations. [Order 73-10, § 172-168-070, filed 4/18/73.]

WAC 172-168-080 Library carrels. Locked Library carrels are generally assigned to faculty members and graduate students (working on a thesis). The Library may assign others to the carrels if space is available. Assignment is on a first-come, first-serve basis for a quarter, and multiple assignments per carrel may be made. All closed carrels shall be subject to the following:

(1) All Library materials kept in a carrel must be checked out, and are subject to the Library's loan policies. College staff members may enter the carrels for checking and retrieval of Library materials and for cleaning and maintenance.

(2) The Library is not responsible for personal property left in the carrels.

(3) A carrel assignment may be withdrawn or denied if the rules governing its use are not observed. [Order 73-10, § 172-168-080, filed 4/18/73.]

WAC 172-168-090 Gifts. The Library welcomes the donations of books, other library materials, and

money. Valuation of gifts for tax purposes will be based upon information available in the Library and assessment of value incurs no liability of proof by the Library. Gifts become College property when accepted and received. The Library reserves the right to reject, dispose, or return to the donor any gift. [Order 73-10, § 172-168-090, filed 4/18/73.]

WAC 172-168-100 Library borrowers. Use of the Library as part of a state public institution is the right of any adult resident of the state; however, borrowing privileges and other services may be limited in order to serve first the primary clientele of students and faculty. Children under eleven years of age must be accompanied by an adult or obtain permission from the senior staff member on duty. Use of the Library may be denied to anyone for continuing abuse of Library services or resources. Library materials may be circulated to the following:

- (1) Regularly enrolled students either full time or part time, including those serving as student teachers.
- (2) Graduate students on continuous registration.
- (3) Faculty members including special categories as visiting professors, and emeriti faculty.
- (4) Faculty members of public higher education institutions of Washington State.
- (5) Administrative staff (civil service exempt).
- (6) Civil service staff members.
- (7) Spouses of faculty, staff members, and students.
- (8) "Friends" of the Library or "Library Associates".
- (9) Trustees of Eastern Washington State College.
- (10) Other libraries through interlibrary loans.
- (11) Extension and correspondent students with special library cards.
- (12) Other agencies and individuals, if in the judgment of the College Librarian, or his designee, the purpose is serious and the loan will not conflict with service to others. [Order 73-10, § 172-168-100, filed 4/18/73.]

WAC 172-168-110 Library circulation policy. Amounts of materials borrowed at a given time may be limited by demand, materials available, and judgment of library personnel. All materials held past the due date are considered overdue. Those materials designated for the Reference and Periodicals Collections ordinarily do not circulate. With these exceptions, Library materials circulate for two weeks and are renewable, except as follows:

- (1) Items that have had holds placed on them may not be renewed.
- (2) Unbound periodicals may be checked out for three days, but may not be renewed.
- (3) Reserve materials may be checked out for two hours, three days, or seven days, depending on the type of reserve requested.
- (4) Prints, framed pictures, browsing materials, and other small special collections may be established from time to time and be governed by varying circulation rules.

(5) Uncatalogued Library materials may be loaned at the discretion of the Library staff for varying loan periods.

(6) Faculty members may check out two weeks materials for one school quarter, except government documents which are limited to the two week checkout period. They may request renewal, but are subject to the "holds" rule (1) above.

(7) The Library reserves the right to request immediate return of materials needed for classwork or other special assignment. [Order 73-10, § 172-168-110, filed 4/18/73.]

WAC 172-168-120 Library fines and charges for lost, damaged, and overdue materials.

(1) Persons to whom overdue materials are checked out are subject to the following fine schedule:

Five cents per day, except on reserved material as follows:

Two hours – twenty cents per hour (maximum one dollar per day);

Three days – fifty cents per day;

Seven days – twenty-five cents per day.

Fines will be charged for reserve materials on weekends and holidays.

(2) Ordinarily the Library sends reminder notices and hold notices on overdue materials. However, it must be recognized that the return of Library materials is solely the borrower's responsibility, and the Library may, when necessary, curtail the practice of sending notices.

(3) Reimbursement shall be made to the Library for lost or damaged materials, the charges to be established by the Librarian or his designee. Such charges will be a fair estimate of replacement or repair cost plus a one dollar and fifty cent processing charge.

(4) The Library may request of the Registrar and the Student Accounting Office that registration of any student charged with overdue materials or unpaid fines be withheld until such materials are returned and/or fines paid.

(5) All Library patrons should be aware of the following section of the Revised Code of Washington:

"27.12.340 Penalty for wilfully retaining books.

Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, shall be guilty of a misdemeanor."

(6) The Library may resort to legal action to obtain compliance with these regulations. [Order 73-10, § 172-168-120, filed 4/18/73.]

WAC 172-168-130 Library service fees. Fees may be levied for some special services in the Library which are not funded and must be self-supporting. In all cases, the fees reflect the actual cost of the service. A current fee schedule will be maintained in the Library as established by the College Librarian, or his designee. At

present, fees are charged for a variety of photocopying and related services. [Order 73-10, § 172-138-130 (codified as WAC 172-168-130), filed 4/18/73.]

Chapter 172-180 WAC
DELEGATED AUTHORIZATION TO HIRE,
DISMISS AND DISCIPLINE CLASSIFIED
PERSONNEL

WAC

172-180-010	Introduction and purpose.
172-180-020	Delegation of appointing authority power.
172-180-030	Scope of powers delegated to appointing authorities.
172-180-040	Effective date.

WAC 172-180-010 Introduction and purpose. In accordance with the requirements of WAC 251-12-010, through which the Higher Education Personnel Board of the state of Washington did authorize "appointing authorities" to demote, suspend, and reduce in salary or dismiss any employee under its jurisdiction for the causes stated in such rule, the Board of Trustees at Eastern Washington University hereby promulgates the following rules delegating the powers conferred upon it as an appointing authority. Such power is expressly derived from RCW 28B.40.120, which statute accords the Board of Trustees the power and duty to employ, discipline, and discharge university employees within the limitations provided by law, and RCW [28B.10.528] [28B.40.528], which statute expressly accords the Board of Trustees the power, when exercised by resolution, to delegate to any designee powers and duties vested in or imposed upon the board by law. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-010, filed 5/5/78; Order 73-7, § 172-180-010, filed 3/20/73.]

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 172-180-020 Delegation of appointing authority power. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the Higher Education Personnel Board, the Board of Trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

- (1) The President;
- (2) The Executive Vice President;
- (3) The Provost for Academic Affairs;
- (4) The Vice Provost for Graduate and Undergraduate Studies;
- (5) The Vice President for Business and Finance;
- (6) The Provost for Student Services;
- (7) The Director of University Relations;
- (8) The Dean, College of Letters and Sciences;
- (9) The Dean, School of Fine Arts;

(10) The Dean, School of Human Learning and Development;

(11) The Dean, Division of Health Sciences;

(12) The Dean, School of Business Administration;

(13) The Dean, School of Social Work and Human Services;

(14) The University Librarian[;] and

(15) The Business Manager.

[Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-020, filed 5/5/78; Order 73-7, § 172-180-020, filed 3/20/73.]

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 172-180-030 Scope of powers delegated to appointing authorities. The persons occupying the positions denominated in WAC 172-180-020 are delegated authority to terminate, suspend, or demote any classified service employee at Eastern Washington University without the prior approval of the Board of Trustees. Additionally, such appointing authorities previously denominated are authorized to make such appointments of eligible persons to classified positions at Eastern Washington University. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-030, filed 5/5/78; Order 73-7, § 172-180-030, filed 3/20/73.]

WAC 172-180-040 Effective date. Upon the date this rule becomes effective, in accordance with the Higher Education Personnel Act, this rule shall supercede the resolution adopted by the Board of Trustees of Eastern Washington University dated March 20, 1973. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-040, filed 5/5/78; Order 73-7, § 172-180-040, filed 3/20/73.]

Chapter 172-190 WAC

IMPLEMENTATION OF THE FAMILY
EDUCATIONAL RIGHTS AND PRIVACY ACT OF
1974

WAC

172-190-010	Purpose.
172-190-020	Definitions.
172-190-030	Right of inspection.
172-190-035	Availability of directory information.
172-190-040	Access permitted to college and certain other officials without consent.
172-190-050	Distribution of information to others.
172-190-060	Notice of rights given under Family Educational Rights and Privacy Act of 1974.
172-190-070	Requests for access to student records.
172-190-080	Determination regarding records.
172-190-090	Hearing procedure.
172-190-100	Right of students to register objections.

WAC 172-190-010 Purpose. The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indicated in the

aforesaid law, its purpose is to assure that students attending institutions of higher education such as Eastern Washington State College shall have a right to inspect certain records and files intended for school use or made available to parties outside the college. [Order 75-1, § 172-08-010 (codified § 172-190-010), filed 3/3/75.]

WAC 172-190-020 Definitions. The following definitions shall apply in interpreting these regulations:

(1) "His" when used throughout these regulations shall accomplish reference to both the male and female sexes.

(2) "Education records" means those records, files, documents, and other materials which contain information directly related to a student and are maintained by the college. The definition of "education records", however, does not include any materials used by any college instructor in the course of assessing a student's academic performance, including but not limited to academic grades conferred, essays, tests, written evaluations given during the course of directed studies, and the like, nor materials maintained by the college's Counseling Center and the college's Health Services Center, or by any other psychologist paraprofessional acting in his or her professional or paraprofessional capacity for the benefit of the college.

(3) "Student" is defined as a person who is currently enrolled in a regularly scheduled class conducted at the college. Regularly scheduled classes shall include those classes occurring during Fall, Winter, Spring, and Summer Quarters and those classes in which residence credits are conferred at Fairchild, Spokane, or any other location at which the college confers residence credit. A person is a student for purposes of these regulations even though he is not currently enrolled in Summer Quarter but was regularly enrolled during the previous Spring Quarter. [Order 75-1, § 172-08-020 (codified § 172-190-020), filed 3/3/75.]

WAC 172-190-030 Right of inspection. Any student shall have a right, subject to the procedural requirements outlined in WAC 172-08-070 through WAC 172-08-090 [codified as WAC 172-190-070 through WAC 172-190-090] of these regulations, to inspect any and all education records directly related to him that is intended for school use or is available for parties outside the school or school system. In the case of any education records relating to a student which also include information regarding another student, the responsible college officials shall delete any personally identifiable information relating to the identity of such other student. [Order 75-1, § 172-08-030 (codified § 172-190-030), filed 3/3/75.]

WAC 172-190-035 Availability of directory information. Except as hereinafter provided, the following information contained in a student's education records shall be available to members of the public: student's name, address, telephone listing, date of birth, participation in officially recognized activities and sports, weight

and height of athletic teams, dates of athletic teams, dates of attendance at the college, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Such information shall be deemed "directory information". The college will give public notice to students of the matters contained in the above-designated "directory information" that is available to members of the public at the time the student registers for enrollment in the academic quarter. On the day of such registration each student shall indicate on the college registration form whether he will not consent to the college's release of such directory information to others without his consent. [Order 75-1, § 172-08-035 (codified § 172-190-035), filed 3/3/75.]

WAC 172-190-040 Access permitted to college and certain other officials without consent. (1) The following persons, individuals, agencies, or organizations shall be entitled to access to official records, files, and data of any student, subject to the limitations outlined in subpart (2) of this section, WAC 172-08-040 [codified as WAC 172-190-040], without the written consent of the student:

(a) Other school officials, including instructors within the college who have a legitimate educational interest;

(b) Officials of other colleges, schools, or school systems, upon the condition that the student is notified of the transfer and receives a copy of the record if he desires it and has the opportunity to challenge the content of the record, per the procedures outlined in WAC 172-08-090 [codified as WAC 172-190-090];

(c) Authorized representatives of the Controller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in § 409 of Public Law 93-380, or State of Washington educational authorities; provided, that except when collection of personally identifiable data is specifically authorized by federal law, any data collected by the Controller General, the Secretary, administrative head of a United States education agency or state educational authorities with respect to individual students shall not include information (including social security numbers) which permit the personal identification of such students.

(d) Authorized representatives of the Office of Education at the U.S. Department of Health, Education and Welfare, the Law Enforcement Assistance Administration of the U.S. Department of Justice, the U.S. Veterans Administration, the Bureau of Indian Affairs, the Washington State Council on Higher Education, the Washington State Department of Social & Health Services, lending institutions receiving applications from students or granting to students financial aid, and individual organizations or institutions that provide scholarships to any applicant student when such organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid.

(2) The college shall maintain a record, kept with the education records of each student, which will indicate all

the agencies or organizations referenced in subparagraphs (1)(b) and (1)(c) of this section, which have requested or obtained access to the student's education records. The college employee who is the custodian charged with the maintenance of such student education records shall further indicate specifically the legitimate interest each such agency or organization has in obtaining this information.

(3) If any of the agencies or organizations described in subparagraphs (1)(b) or (1)(c) of this section, request access to the education records of ten (10) or more students, they may do so on a form provided by the college that indicates the request is being made on a blanket basis. Such form shall also require the agency to identify the legitimate interest the agency has regarding students' education records. The college employee who is the custodian of each student education record requested by an agency or organization referenced in subparagraphs (1)(b) and (1)(c) of this section shall then enter in such education record notice of such agency's or organization's request and the place where the request may be found. [Order 75-1, § 172-08-040 (codified § 172-190-040), filed 3/3/75.]

WAC 172-190-050 Distribution of information to others. The college shall not furnish in any form any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC 172-08-040 [codified as WAC 172-190-040], unless it first obtains written consent from the student, which written consent also specifically identifies the records to be released, the reasons for such release, and to whom such personally identifiable information is to be released. In the case any such personally identifiable information contained in a student's education records is to be furnished in compliance with a judicial order or pursuant to a lawfully issued subpoena, the college shall notify the student in advance of compliance therewith. [Order 75-1, § 172-08-050 (codified § 172-190-050), filed 3/3/75.]

WAC 172-190-060 Notice of rights given under Family Educational Rights and Privacy Act of 1974. In accordance with the requirements of the aforesaid federal statute, the college will make its best efforts to notify all students of their rights under this Act. Such notification shall be done through the Washington Administrative Code procedures provided for by the Higher Education Administrative Procedures Act, notices accomplished through *The Easterner*, and such other publications and media that the college deems appropriate. [Order 75-1, § 172-08-060 (codified § 172-190-060), filed 3/3/75.]

WAC 172-190-070 Requests for access to student records. (1) No personally identifiable information relating to a student's education record will be furnished to any person whatsoever unless such person makes a written request to do so and provides to the custodian of

such records information sufficient to identify the requesting party as a person who has a right to access to such records. By way of example and not limitation, a requesting party who identifies himself as a student to whom such record relates must provide a driver's license sufficient to identify such student, college identification card, and any other official identifying document that is sufficient to establish the identity of such student. In the case of any persons in the category of those individuals, persons, agencies, or organizations identified in WAC 172-08-040 [codified as WAC 172-190-040], no personally identifiable information contained in any student's education record will be disclosed without providing information of the same type and nature as that required of a student plus other information as the custodian of the record deems sufficient to ascertain the official capacity of such requesting party. [Order 75-1, § 172-08-070 (codified § 172-190-070), filed 3/3/75.]

WAC 172-190-080 Determination regarding records. (1) The college reserves the right to determine that a record regarding a student is not an education record or material defined in WAC 172-08-020 [codified as WAC 172-190-020] or that the provision of personally identifiable information relating to a student was properly given to an authorized agency per WAC 172-08-040 [codified as WAC 172-190-040]. Such determination shall be made in writing and may be accomplished in consultation with any of the Records Officers of the college designated in chapter 172-09 WAC, the President, a Vice President, or an Assistant Attorney General assigned to the college. [Order 75-1, § 172-08-080 (codified § 172-190-080), filed 3/3/75.]

WAC 172-190-090 Hearing procedure. (1) Any person objecting to a denial of a request for any college record relating to a student, or any student who contests whether the transfer of any college record relating to him is permitted under these regulations, may petition for prompt review of such denial or written objection to transfer. Such written request shall:

- (a) Be served upon the Public Records Officer provided for in chapter 172-09 WAC;
- (b) Demand prompt review; and
- (c) In the case of objection to transfer, specifically reference the party to whom he does not want the record transferred and contain a written statement by the record custodian denying the person's request.

Upon receipt of a proper written objection to transfer of a student record, the college Public Records Officer shall cause such records to not be transferred pending outcome of the hearing proceeding provided for in these regulations.

(2) Within ten (10) days after receipt of the written request by a person petitioning for prompt review of a decision by a custodian of student records, the President of the college or any of his designees, which for the purposes of this section may include any Vice President of the college, shall consider such petition.

(3) The President or his designee may at the end of the ten (10) day period either meet the objecting party's

objection and advise him of the same in writing, or in the alternative, set the matter up for a hearing before a Hearing Officer designated by the President or the President's designee. Such hearing shall be conducted within thirty (30) days after the objecting party served his objections on the college's Public Records Officer and shall be an informal hearing, as that term is defined in WAC 172-129-035 and shall be conducted as provided for therein. The President or his designee shall determine the time and place for such hearing. At the hearing, the objecting party shall further explain and identify his exact purpose for seeking the record he has been denied or why he has lodged objections to transfer of a student record. Failure by the person requesting the review 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.

(4) During the course of the informal hearing conducted by the President, his designee, or by anyone appointed by the President or his designee, the person conducting the hearing shall consider the obligation of the college to fully comply with the Family Educational Rights and Privacy Act, but shall also consider the exemptions provided in the course of these regulations. A record shall be made of the informal hearing by mechanical transcriptions or any other means satisfactory to the college.

(5) Within ten (10) days after the hearing has occurred, the President, or his designee, or the Hearing Officer appointed to conduct the informal hearing shall provide the objecting party with a written decision, which decision shall be binding upon the college and upon the objecting party. [Order 75-1 § 172-08-090 (codified § 172-190-090), filed 3/3/75.]

WAC 172-190-100 Right of students to register objections. Any student who objects to the accuracy or truthfulness of any information contained in any Eastern Washington State College education records or portion thereof that is related to him may submit to the college's Public Records Officer his written views regarding the same, which written objection shall then be included in such education records provided, however, no student has any right to post his objections to academic grades and have the same appear on his academic transcript. [Order 75-1, § 172-08-100 (codified § 172-190-100), filed 3/3/75.]