

Title 516 WAC

WESTERN WASHINGTON UNIVERSITY

CHAPTERS

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Chapter 516-10

ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WESTERN WASHINGTON STATE COLLEGE

516-10-010	Introduction. [Order 72-10, § 516-10-010, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-020	Jurisdiction. [Order 72-10, § 51-10-020, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-030	Designation of custodians of records. [Order 72-10, § 516-10-030, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-040	Declaration of what constitutes public records. [Order 72-10, § 516-10-040, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-050	Nonpublic records. [Order 72-10, § 516-10-050, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-060	Regulations regarding access to public records. [Order 72-10, § 516-10-060, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.
516-10-070	Violations of limitations upon access to public records. [Order 72-10, § 516-10-070, filed 11/17/72.] Repealed by Order 73-5, filed 4/12/73.

Chapter 516-04 WAC BOARD OF TRUSTEES

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516-04-010	Regular meetings.

(1980 Ed.)

WAC 516-04-010 Regular meetings. Regular meetings of the Board of Trustees of Western Washington State College shall be held on the first Thursday of each month unless such date is changed by Board resolution at a meeting regularly scheduled or called for that purpose. A copy of such resolution shall be filed in the President's office. [Order 72-10, § 516-04-010, filed 11/17/72.]

Chapter 516-08 WAC PRACTICE AND PROCEDURE

WAC

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WAC 516-08-002 Formal hearing policy. In each instance that a formal hearing is required or permitted by institutional policy or chapter 28B.19 RCW, the provisions of WAC 516-08-002 through 516-08-999 shall be applicable. [Order 73-13, § 516-08-002, filed 8/6/73.]

WAC 516-08-005 Definitions. As used herein, the term "agency" shall mean the Board of Trustees of Western Washington State College, the President of Western Washington State College or his designee, or any duly appointed hearing officer or officers. [Order 73-13, § 516-08-005, filed 8/6/73.]

WAC 516-08-010 Appearance and practice before agency. No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association,

partnership or corporation. [Order 73-13, § 516-08-010, filed 8/6/73.]

WAC 516-08-070 Computation of time. In computing any period of time prescribed or allowed by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Order 73-13, § 516-08-070, filed 8/6/73.]

WAC 516-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least ten (10) days before the date set for the hearing. The notice shall be signed by the president of Western Washington State College or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120. [Order 73-13, § 516-08-080, filed 8/6/73.]

WAC 516-08-090 Service of process—By whom served. The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Order 73-13, § 516-08-090, filed 8/6/73.]

WAC 516-08-100 Service of process—Upon whom served. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Order 73-13, § 516-08-100, filed 8/6/73.]

WAC 516-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Order 73-13, § 516-08-110, filed 8/6/73.]

WAC 516-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph. [Order 73-13, § 516-08-120, filed 8/6/73.]

WAC 516-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph,

when deposited with a telegraph company properly addressed and with charges prepaid. [Order 73-13, § 516-08-130, filed 8/6/73.]

WAC 516-08-140 Service of process—Filing with agency. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the secretary of the agency at Bellingham, Washington, accompanied by proof of service upon the parties required to be served. [Order 73-13, § 516-08-140, filed 8/6/73.]

WAC 516-08-150 Subpoenas—Where provided by law—Form. Every subpoena shall state the name of the agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Order 73-13, § 516-08-150, filed 8/6/73.]

WAC 516-08-170 Subpoenas—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage allowed by law. [Order 73-13, § 516-08-170, filed 8/6/73.]

WAC 516-08-190 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the agency or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the agency and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service shall not affect the validity of the service. [Order 73-13, § 516-08-190, filed 8/6/73.]

WAC 516-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is serviced by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule. [Order 73-13, § 516-08-230, filed 8/6/73.]

WAC 516-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Order 73-13, § 516-08-240, filed 8/6/73.]

WAC 516-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States

depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings. [Order 73-13, § 516-08-250, filed 8/6/73.]

WAC 516-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used as other depositions. [Order 73-13, § 516-08-260, filed 8/6/73.]

WAC 516-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonable made by any party or by the person to be examined and upon notice and for good cause shown, the agency may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking

the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Order 73-13, § 516-08-270, filed 8/6/73.]

WAC 516-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Order 73-13, § 516-08-280, filed 8/6/73.]

WAC 516-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Order 73-13, § 516-08-290, filed 8/6/73.]

WAC 516-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He

shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Order 73-13, § 516-08-300, filed 8/6/73.]

WAC 516-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Order 73-13, § 516-08-310, filed 8/6/73.]

WAC 516-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Order 73-13, § 516-08-320, filed 8/6/73.]

WAC 516-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Order 73-13, § 516-08-330, filed 8/6/73.]

WAC 516-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 516-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Order 73-13, § 516-08-340, filed 8/6/73.]

WAC 516-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall:

(1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and

(2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Order 73-13, § 516-08-350, filed 8/6/73.]

WAC 516-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 73-13, § 516-08-360, filed 8/6/73.]

WAC 516-08-370 Official notice—Matters of law. The hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the Governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar. [Order 73-13, § 516-08-370, filed 8/6/73.]

WAC 516-08-380 Official notice—Material facts. In the absence of controverting evidence, the agency and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the agency.

(2) **Business customs.** General customs and practices followed in the transactions of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to

accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the agency as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the agency may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the agency rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the agency may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the agency involved or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Order 73-13, § 516-08-380, filed 8/6/73.]

WAC 516-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the agency, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eluded suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Order 73-13, § 516-08-390, filed 8/6/73.]

WAC 516-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer of the agency that such a stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Order 73-13, § 516-08-400, filed 8/6/73.]

WAC 516-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearing on relevant and material matter only. [Order 73-13, § 516-08-420, filed 8/6/73.]

WAC 516-08-430 Prehearing conference rule—Authorized. In any proceeding the agency involved or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of issues;
- (2) The necessity of amendments to the pleading;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Order 73-13, § 516-08-430, filed 8/6/73.]

WAC 516-08-440 Prehearing conference rule—Record of conference action. The agency or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Order 73-13, § 516-08-440, filed 8/6/73.]

WAC 516-08-450 Submission of documentary evidence in advance. Where practicable the agency or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Order 73-13, § 516-08-450, filed 8/6/73.]

WAC 516-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in

the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Order 73-13, § 516-08-460, filed 8/6/73.]

WAC 516-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The hearing examiner or other appropriate officer in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party, and, if the interested parties cannot agree, shall require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Order 73-13, § 516-08-470, filed 8/6/73.]

WAC 516-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, shall require, and when not so permissible, shall make every effort to cause all direct opinion or expert testimony and all direct testimony based on economic or statistical data to be reduced to written sworn statements and, together with the exhibits upon which based, submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; such sworn statements shall be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Order 73-13, § 516-08-480, filed 8/6/73.]

WAC 516-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. The hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 516-08-480, but, wherever practicable he shall restrict to a minimum the placing of such data in the record. [Order 73-13, § 516-08-490, filed 8/6/73.]

WAC 516-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 516-08-470 or 516-

08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 516-08-470 or 516-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Order 73-13, § 516-08-500, filed 8/6/73.]

WAC 516-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The agency or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order 73-13, § 516-08-510, filed 8/6/73.]

WAC 516-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Order 73-13, § 516-08-520, filed 8/6/73.]

WAC 516-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Order 73-13, § 516-08-530, filed 8/6/73.]

WAC 516-08-540 Hearing officers. In each instance that a formal hearing is required or permitted by institutional policy or chapter 28B.19 RCW, and upon receipt of the request for a formal hearing filed in accordance with chapter 28B.19 RCW, the Board of

Trustees may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions including findings of fact and conclusions of law. The Board of Trustees may by resolution delegate to the President the authority to designate hearing officers, subject to such conditions as the Board may in its discretion determine. [Order 73-13, § 516-08-540, filed 8/6/73.]

WAC 516-08-550 Duties of hearing officers. (1) All hearing officers appointed in accordance with WAC 516-08-540 shall conduct hearings in the same manner and shall have the same authority as is provided in these rules and in chapter 28B.19 RCW for hearings conducted by the board of trustees: *Provided*, That hearing officers shall initially make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law prepared by the hearing officers shall be served upon the parties and transmitted to the Board of Trustees, together with a full record of the formal proceedings.

(3) The board of trustees shall, within twenty days after receipt of the record of the formal proceedings and the proposals, findings, and conclusions of the hearing officers, render a written statement indicating whether the board intends to review the proceedings. If the written statement of the board indicates that the board does not intend to review the formal proceedings, the decisions, findings of fact, and conclusions of law of the hearing officers shall thereupon become final. [Order 73-13, § 516-08-550, filed 8/6/73.]

WAC 516-08-560 Review of formal hearing proceedings by the board of trustees. (1) The board of trustees may review all or any portion of the formal proceedings. The board of trustees may request or allow the parties to present written arguments to the board concerning matters which the board has determined to review and may set time limits for submission of such written arguments.

(2) The board of trustees shall consider the record as a whole in reaching its final decision. The final written decision and order of the board of trustees shall be served upon all parties. [Order 73-13, § 516-08-560, filed 8/6/73.]

WAC 516-08-570 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Order 73-13, § 516-08-570, filed 8/6/73.]

WAC 516-08-600 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the agency, requesting the promulgation, amendment, or repeal of any rule. [Order 73-13, § 516-08-600, filed 8/6/73.]

WAC 516-08-610 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Order 73-13, § 516-08-610, filed 8/6/73.]

WAC 516-08-620 Petitions for rule making, amendment or repeal—Agency must consider. All petitions shall be considered by the agency and it may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Order 73-13, § 516-08-620, filed 8/6/73.]

WAC 516-08-630 Petitions for rule making, amendment or repeal—Notice of Disposition. The agency shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Order 73-13, § 516-08-630, filed 8/6/73.]

Chapter 516-11 WAC PUBLIC RECORDS

WAC

516-11-010	Definition of public record.
516-11-030	Description of central and field organization at Western Washington State College.
516-11-040	General course and method of decisionmaking.
516-11-050	Informal procedures regarding the general course and methods of decision.
516-11-060	Designation of public records officers.
516-11-070	Availability for public inspection and copying of public records.
516-11-080	Requests for public records.
516-11-090	Charges for copying.
516-11-100	Determination regarding exempt records.
516-11-110	Review of denials of public records requests.

WAC 516-11-010 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 Western Washington State College, regardless of the physical

form or characteristics; provided, however, that in accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of public record:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

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

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

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(2) 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 73-5, § 516-11-010, filed 4/12/73.]

WAC 516-11-030 Description of central and field organization at Western Washington State College.

(1) Western Washington State College is located on a campus within the city of Bellingham, 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 Bellingham. The college is governed by a board of trustees appointed by the governor; such board normally meets at least once every calendar month, as provided in WAC 516-04-010. The board employs a President, his assistants, members of the faculty and other employees. It establishes such divisions, schools or departments necessary to carry out the purposes of the college, provides the necessary property, facilities and equipment and promulgates such rules, regulations and policies as are necessary to the administration of the college.

(2) The board of trustees; either directly or by delegation, has caused to be created various administrative, academic and support divisions to enable the college to discharge its obligations. Academic matters are the concern of the Provost; business and physical planning functions are the concern of the Business Manager; student affairs are the concern of the Dean of Students. These offices report to the president of the college.

(3) There is in existence at the college an all-college senate composed of representatives of the faculty, students, staff and administrators, which by the terms of its Constitution and By-Laws (on file in the office of the President)

"... shall be the legislative body for recommending policies to the Board of Trustees. It shall review and recommend internal policy. It shall recommend to the Board of Trustees and the President procedures for implementing policies." [Order 73-5, § 516-11-030, filed 4/12/73.]

WAC 516-11-040 General course and method of decisionmaking.

(1) The formal procedures for decisionmaking at the college are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedures Act (HEAPA). Accordingly, all rules, orders or directives, or regulations of the college which affect the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other,

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

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

(c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented through the procedures of the HEAPA and appear in Title 516 WAC, provided, however, that

in accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: rules, regulations, orders, statements, or policies relating primarily to the following: standards for admissions; academic advancement, academic academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under HEAPA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the college's published catalogs and handbooks (on file in the Reference Room of the Library) are in the process of being collected in a General College Handbook a copy of which shall, upon its completion, also be filed in the reference room of the college library and be available to the public. [Order 73-5, § 516-11-040, filed 4/12/73.]

WAC 516-11-050 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either:

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

(2) methods of human persuasion utilized by any member of the college's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility. [Order 73-5, § 516-11-050, filed 4/12/73.]

WAC 516-11-060 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 may be determined by inquiry at the office of the president of the college. The public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.

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

(a) Office of the Provost;

(b) Office of the President;

(c) Office of the Dean of Students;

(d) Office of the Business Manager.

The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. Such division heads shall be known as the college "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the college. [Order 73-5, § 516-11-060, filed 4/12/73.]

WAC 516-11-070 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, acting through the public records officer or a records custodian, agree on a different time. [Order 73-5, § 516-11-070, filed 4/12/73.]

WAC 516-11-080 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 516-11-060. 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 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 73-5, § 516-11-080, filed 4/12/73.]

WAC 516-11-090 Charges for copying. (1) No fee shall be charged for inspection of public records. The college may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official. [Order 73-5, § 516-11-090, filed 4/12/73.]

WAC 516-11-100 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, 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 (1) business day as to whether his request for a public record will be honored.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or his designee, specifying the specific reasons therefor. [Order 73-5, § 516-11-100, filed 4/12/73.]

WAC 516-11-110 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 (2) business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the college or any of his designees, which for the purposes of this section may include the public records officer or the records custodians, shall consider such petition.

(3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the

public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two (2) business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four (24) hours after such person requesting review has appeared before the president or his designee.

(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the 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 73-5, § 516-11-110, filed 4/12/73.]

Chapter 516-12 WAC

PARKING AND TRAFFIC REGULATIONS

WAC

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516-12-268	Lack of space in assigned lot.
516-12-280	Liability of university.
516-12-290	Parking area designations.
516-12-300	Delegation of authority.
516-12-310	Parking of vehicles on campus.
516-12-320	Repair of vehicles.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-12-270 Impounding of vehicles. [Order 70-10, § 516-12-270, filed 3/2/70.] Repealed by Order 75-4, filed 8/11/75.

WAC 516-12-010 Definitions. As used in this chapter, 516-12 WAC, the following words and phrases shall have the indicated meanings:

(1) "Board" shall mean the Board of Trustees of Western Washington University.

(2) "Campus" shall refer to all state lands devoted mainly to the educational or research activities of the university.

(3) "University" shall mean Western Washington University.

(4) "Employee" shall mean any individual holding an appointment to the faculty, staff, or administration of the university.

(5) "Parking Committee" shall mean the Parking Committee of the university.

(6) "Parking Manager" shall mean the person appointed Parking Manager of the university by the President.

(7) "Student" shall mean any person who is enrolled in the university as a student.

(8) "President" shall refer to the President of Western Washington University.

(9) "Safety and Security Department" shall mean the Safety and Security Department of the university.

(10) "Automobile" shall refer to any motorized vehicle having four or more wheels.

(11) "Motorcycle" shall refer to any two or three wheeled motorized vehicle.

(12) "Motor vehicle" or "vehicle" shall mean any automobile or motorcycle.

(13) "Parking space" shall mean a parking area designated by a sign, wheelstop, and/or by white painted lines or white traffic buttons. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-010, filed 8/22/80; Order 75-4, § 516-12-010, filed 8/11/75; Order 70-10, § 516-12-010, filed 3/2/70.]

WAC 516-12-020 Preamble. The Board of Trustees of Western Washington University is granted authority under Title 28B of the Revised Code of Washington to establish regulations to govern pedestrians and vehicular traffic and parking on the campus of the university. The execution and administration of the regulations set forth in this chapter shall be the responsibility of the Parking Manager. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-020, filed 8/22/80; Order 75-4, § 516-12-020, filed 8/11/75; Order 70-10, § 516-12-020, filed 3/2/70.]

WAC 516-12-030 Purposes. The purposes of the regulations set forth in this chapter are:

(1) To protect and control pedestrian and vehicular traffic.

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

(3) To minimize traffic disturbance during class hours.

(4) To facilitate the work of the university by assuring access to vehicles and by assigning the limited available space for the most efficient use. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-030, filed 8/22/80; Order 75-4, § 516-12-030, filed 8/11/75; Order 70-10, § 516-12-030, filed 3/2/70.]

WAC 516-12-040 Applicable traffic rules and regulations. (1) All regulations set forth in this chapter and all motor vehicle and other traffic laws of the State of Washington shall be applicable upon the campus.

(2) The traffic code of the City of Bellingham shall apply on city streets which cross the campus. [Order 75-4, § 516-12-040, filed 8/11/75; Order 70-10, § 516-12-040, filed 3/2/70.]

WAC 516-12-050 Permits required for vehicles on campus. No person shall park or leave a vehicle, whether attended or unattended, upon the campus (except in a metered or designated "no fee" visitor lot) without a valid parking permit issued by the Parking Manager pursuant to this chapter. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-050, filed 8/22/80; Order 75-4, § 516-12-050, filed 8/11/75; Order 70-10, § 516-12-050, filed 3/2/70.]

WAC 516-12-060 Persons responsible for compliance. The owner(s) and the operator of a motor vehicle which is involved in a violation of the rules and regulations set forth in this chapter shall be jointly and severally responsible for the violation. [Order 75-4, § 516-12-060, filed 8/11/75; Order 70-10, § 516-12-060, filed 3/2/70.]

WAC 516-12-070 Permits--Authorization for issuance and sale. The Parking Manager is authorized to issue and/or sell parking permits on the campus to employees, students, guests, and visitors of the university pursuant to the provisions of this chapter. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-070, filed 8/22/80; Order 75-4, § 516-12-070, filed 8/11/75; Order 70-10, § 516-12-070, filed 3/2/70.]

WAC 516-12-073 Permits--Fees. Permit fees. A fee schedule shall be submitted by the President or his designee to the Board of Trustees for approval by motion and shall thereafter be posted in the office of the Parking Manager. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-073, filed 8/22/80; Order 75-4, § 516-12-073, filed 8/11/75.]

WAC 516-12-076 Permits--Purchase schedule. (1) Annual permits.

(a) Annual permits issued during September or October shall be at full cost.

(b) Annual permits issued later than October 31st shall be reduced in cost at the rate of one-twelfth of full cost for each month or portion of a month thereafter.

(2) Academic year permits.

(a) Academic year permits issued during September and October shall be at full cost.

(b) Academic year permits issued after October 31st shall be reduced in cost at the rate of one-tenth of the full cost for each month or portion of a month thereafter.

(3) Quarterly and summer permits.

(a) Quarterly and summer permits issued within thirty days after the start of the academic quarter shall be issued at full cost.

(b) Quarterly and summer permits issued more than thirty days but less than sixty days after the start of the academic quarter shall be issued at two-thirds of full cost.

(c) Quarterly and summer permits issued more than sixty days but less than ninety days after the start of the academic quarter shall be issued at one-third of full cost.

(4) No charge will be made for a permit which is issued during the last two weeks of a validation period. [Order 75-4, § 516-12-076, filed 8/11/75.]

WAC 516-12-080 Assignment of parking. Assignments to parking lots on the university campus will be on the basis of priorities established by the Parking Manager. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-080, filed 8/22/80; Order 75-4, § 516-12-080, filed 8/11/75; Order 70-10, § 516-12-080, filed 3/2/70.]

WAC 516-12-090 Valid permit. A valid permit shall mean

(1) An unexpired parking permit and area designator properly registered and displayed.

(2) A temporary parking permit authorized by the Parking Manager and properly displayed.

(3) A special permit authorized by the Parking Manager and properly displayed. [Order 75-4, § 516-12-090, filed 8/11/75; Order 70-10, § 516-12-090, filed 3/2/70.]

WAC 516-12-100 Permit--Display. A parking permit and area designator issued by the Parking Manager shall be displayed permanently affixed to the inside of the rear window of the vehicle for which the permit is issued, on the lower left hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window, the permit and area designator shall be affixed to the center bottom of the windshield.

Expired permits and area designators shall be removed before a new permit and area designator are attached.

Permits and area designators not displayed in accordance with the provisions of this section shall not be valid. [Order 75-4, § 516-12-100, filed 8/11/75; Order 70-10, § 516-12-100, filed 3/2/70.]

WAC 516-12-110 Permit--Transfer. Parking permits are not transferable except in accordance with WAC 516-12-120. [Order 75-4, § 516-12-110, filed 8/11/75; Order 70-10, § 516-12-110, filed 3/2/70.]

WAC 516-12-120 Additional vehicle--Pool permits. (1) The Parking Manager shall have authority to issue "additional vehicle--pool permits" to persons wishing to form vehicle pools or intending to park different vehicles on the campus at different times.

(2) A person eligible to purchase a parking permit may purchase an "additional vehicle--pool permit". A person who has been issued an additional vehicle--pool permit shall be entitled to have only one vehicle parked on the campus at any one time. An additional vehicle--pool permit shall be valid only when an "additional vehicle permit card" (transferable from car to car) is visually displayed on the driver's side of the dashboard of the vehicle parked on campus. [Order 75-4, § 516-12-120, filed 8/11/75; Order 3085, § 516-12-120, filed 8/9/71; Order 70-10, § 516-12-120, filed 3/2/70.]

WAC 516-12-130 Permit--Revocation. Permits and area designators are the property of the university and may be recalled by the Parking Manager for any of the following reasons:

(1) When the purpose for which the permit and area designator were issued changes or ceases to exist.

(2) When a permit or area designator is used on a vehicle other than the vehicle for which the permit or area designator was issued.

(3) Falsification of an application for a permit or area designator.

(4) Violation of the regulations set forth in this chapter.

(5) Counterfeiting or altering a parking permit or area designator.

(6) Failure to comply with a judgment of the Parking Appeals Board.

(7) Failure to pay outstanding citations. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-130, filed 8/22/80; Order 75-4, § 516-12-130, filed 8/11/75; Order 3085, § 516-12-130, filed 8/9/71; Order 70-10, § 516-12-130, filed 3/2/70.]

WAC 516-12-140 Permit--Right to refuse. The university reserves the right to refuse the issuance of a parking permit to anyone who has had a previous parking permit revoked, has falsified a parking permit application, has counterfeited or altered a parking permit or area designator or who has failed to pay outstanding citations. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-140, filed 8/22/80; Order 75-4, § 516-12-140, filed 8/11/75; Order 70-10, § 516-12-140, filed 3/2/70.]

WAC 516-12-145 Permit--Application. (1) Except as otherwise expressly provided in this chapter, parking permits may be issued only to students or employees of

the university or other members of the university community.

(2) Persons wishing to obtain a parking permit shall be required to complete an application form prepared by the office of the Parking Manager and pay the appropriate permit fee. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-145, filed 8/22/80; Order 75-4, § 516-12-145, filed 8/11/75.]

WAC 516-12-150 Permit--Annual, academic year and quarterly. (1) Annual permits (twelve months) will be available to members of the university community on a priority point system determined by the Parking Manager. Annual permits will be valid for twelve months, from September 15th through September 14th.

(2) Academic year permits (ten months) will be available to members of the university community on a priority point system determined by the Parking Manager. Academic year permits will be valid from September 15th through June 14th.

(3) Quarterly permits and summer permits will be available to members of the university community on a priority point system determined by the Parking Manager. Quarterly permits will be valid from the first day of the academic quarter for which issued until the first day of the succeeding academic quarter.

(4) The Parking Manager shall have authority to establish procedures, including time schedules and deadlines, to govern the purchase of annual, academic year, and quarterly or summer permits. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-150, filed 8/22/80; Order 75-4, § 516-12-150, filed 8/11/75; Order 3085, § 516-12-150, filed 8/9/71; Order 70-10, § 516-12-150, filed 3/2/70.]

WAC 516-12-160 Permit--Refunds. (1) A refund will be made for the unused portion of a permit prepaid at the time of acquisition upon application for cancellation of the permit by the permit holder or upon revocation of the permit by the Parking Manager. The permit holder shall return to the Safety and Security Department the numbered portions of the permit before a refund will be authorized or a payroll deduction terminated.

(2) The refund schedule shall be as follows:

(a) A person returning an annual permit during the month of September shall receive a refund in the amount of the full cost of the permit less a \$3.00 service charge. A person returning an annual permit on or after October 1st shall receive a refund in the amount of the full cost of the permit less 1/12th of the full cost of the permit for each month or portion of a month that the permit was valid.

(b) A person returning an academic year permit during the month of September shall receive a refund in the amount of the full cost of the permit less a \$3.00 service charge. A person returning an academic year permit on or after October 1st shall receive a refund in the amount of the full cost of the permit less 1/10th of the full cost

of the permit for each month or portion of a month that the permit was valid.

(c) A person returning a quarterly or summer permit within the first fifteen days after the first day of the academic quarter shall receive a refund in the amount of the full cost of the permit less a \$3.00 service charge. A person returning a quarterly or summer permit more than fifteen days after the start of the academic quarter shall receive a refund in the amount of the full cost of the permit less 1/3rd of the full cost of the permit for each 30 days or portion thereof that the permit was valid.

(3) No refund will be made for any permit during the last two weeks of the period for which the permit is valid. [Order 75-4, § 516-12-160, filed 8/11/75; Order 70-10, § 516-12-160, filed 3/2/70.]

WAC 516-12-170 Permit--Special. (1) The Parking Manager is authorized to issue fee and no fee special parking permits when necessary to enhance the business or operation of the university.

(2) A special permit which is issued for more than a total of ten working days shall be purchased at the prevailing parking rate. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-170, filed 8/22/80; Order 75-4, § 516-12-170, filed 8/11/75; Order 70-10, § 516-12-170, filed 3/2/70.]

WAC 516-12-175 Permit--All lots. (1) The Parking Manager shall have authority to issue "all lots" permits when necessary to enhance the business or operation of the university.

(2) All lots permits must have prior approval of the Parking Committee. A request to the Parking Committee for an all lots permit shall be in writing and shall contain a justification of the need for the permit requested.

(3) Prior to issuance of an all lots permit the person requesting the permit shall be required to purchase a regular parking permit at the prevailing rate commensurate with the validation period of the all lots permit. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-175, filed 8/22/80; Order 75-4, § 516-12-175, filed 8/11/75.]

WAC 516-12-180 Night parking. (1) The hours of night parking shall be 6 p.m. to 6 a.m.

(2) During the hours of night parking all lots except "C" (Campus Operated Housing) lots will be open to free parking unless otherwise designated by the Parking Manager.

(3) "C" (Campus Operated Housing) parking lots are restricted to "C" permit holders at all times. [Order 75-4, § 516-12-180, filed 8/11/75; Order 3085, § 516-12-180, filed 8/9/71; Order 70-10, § 516-12-180, filed 3/2/70.]

WAC 516-12-190 Speed. The speed limit on campus is 10 m.p.h. or as posted. Vehicles shall be operated in a careful and prudent manner at all times and shall be operated in compliance with the established speed

limits. [Order 75-4, § 516-12-190, filed 8/11/75; Order 70-10, § 516-12-190, filed 3/2/70.]

WAC 516-12-200 Regulatory signs and directions. Drivers of vehicles shall obey regulatory signs and signs related to parking and to the collection of parking fees posted by the Safety and Security Department. Drivers of vehicles shall also comply with the directions given them by officers of the Safety and Security Department in the control and regulation of traffic. [Order 75-4, § 516-12-200, filed 8/11/75; Order 70-10, § 516-12-200, filed 3/2/70.]

WAC 516-12-210 Pedestrians right-of-way. (1) The operator of a vehicle shall yield the right-of-way to any pedestrian crossing any street or roadway at an intersection or within a clearly marked crosswalk.

(2) Pedestrians will not cross any street or roadway except at an intersection or at a clearly marked crosswalk.

(3) Pedestrians on a street or roadway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians on a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway or street and upon meeting an oncoming vehicle shall step to their left and clear of the street or roadway. [Order 75-4, § 516-12-210, filed 8/11/75; Order 70-10, § 516-12-210, filed 3/2/70.]

WAC 516-12-220 Parking areas. (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked in any permit parking area without a parking permit and designator for that area.

(3) Visitors shall park in designated visitor lots only.

(4) University vehicles and other state vehicles shall park in designated spaces only.

(5) Motorcycles shall not use space assigned to automobiles, but must be parked in designated cycle areas only. Automobiles shall not park in areas assigned to motorcycles. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-220, filed 8/22/80; Order 75-4, § 516-12-220, filed 8/11/75; Order 70-10, § 516-12-220, filed 3/2/70.]

WAC 516-12-230 Parking within designated spaces. (1) No vehicle shall be parked in any area other than an area designated as a parking space.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space, as designated by a sign, wheel stop, and/or white painted lines within a parking area. [Order 75-4, § 516-12-230, filed 8/11/75; Order 70-10, § 516-12-230, filed 3/2/70.]

WAC 516-12-240 University and state owned vehicles. University and state owned vehicles and their operators shall abide by all parking and traffic regulations contained herein. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-

12-240, filed 8/22/80; Order 75-4, § 516-12-240, filed 8/11/75; Order 70-10, § 516-12-240, filed 3/2/70.]

WAC 516-12-250 Authority of Parking Manager to impose special traffic and parking regulations. The Parking Manager is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives of these regulations as set forth in this chapter, and to suspend such additional regulations and restrictions when appropriate. [Order 75-4, § 516-12-250, filed 8/11/75; Order 70-10, § 516-12-250, filed 3/2/70.]

WAC 516-12-255 Citations. A vehicle which is in violation of the university's parking regulations shall be issued a citation, and fines shall be assessed for violations of these regulations in accordance with the following schedule.

(1) \$3.00 violations.

(a) Improper display of permit and/or area designator.

(b) Failure to display multiple vehicle/pool card.

(c) Occupying more than one stall or space.

(d) Parking in reserved and/or restricted area.

(e) Parking out of assigned area.

(f) Parking over posted time limit.

(g) Parking at expired meter.

(h) Parking outside motorcycle area.

(i) Parking in space/area not designated for parking.

(j) Parking with no valid permit displayed.

(k) Parking in driveway and/or walkway.

(2) \$5.00 violations.

(a) Blocking traffic.

(b) Parking in prohibited area (except handicapped spaces).

(c) Parking on grass or landscaped area.

(3) \$10.00 violation. Use of forged or stolen area designator.

(4) \$25.00 violations.

(a) Use of forged or stolen vehicle permit.

(b) Parking in designated handicapped space.

(c) Parking within ten feet of a fire hydrant.

(d) Unauthorized transfer of a vehicle permit. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-255, filed 8/22/80.]

WAC 516-12-256 Continuing violations. A vehicle which remains in violation of any regulations, may receive additional tickets for every four hours of the violation. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-256, filed 8/22/80.]

WAC 516-12-260 Enforcement. (1) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community, state property, or property belonging to members of the university community and/or prevents a person having a valid permit from parking in a designated parking area shall be impounded on the first violation.

(2) No vehicle may have its parking permit renewed until all outstanding citations have been paid.

(3) The parking system will identify the registered owner of any vehicle with unpaid citations which does not have a parking permit, and contact the owner in writing that payment for the outstanding citations is required. If payment of the outstanding citations is not made, the matter will be referred to the appropriate civil court for resolution.

(4) Upon receiving a third parking citation with two previous unpaid parking citations outstanding, a vehicle which is in violation of the university's parking regulations shall be impounded and shall continue to be impounded until all outstanding parking citations have been paid.

(5) A student with unpaid parking citations will not be allowed to have a copy of his/her transcript released by the Registrar's Office.

(6) The operator and the owner(s) of a vehicle which is involved in a violation of the university's parking regulations shall be jointly and severally responsible for the violation.

(7) These enforcement measures are cumulative, and resort to one or more of these measures shall not waive or impair the university's right to use any other enforcement measure. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-260, filed 8/22/80; Order 75-4, § 516-12-260, filed 8/11/75; Order 3085, § 516-12-260, filed 8/9/71; Order 70-10, § 516-12-260, filed 3/2/70.]

WAC 516-12-265 Enforcement--When regulations in effect. (1) Except as indicated in subsection (2) and (3) of this section, enforcement of the regulations set forth in this chapter shall be continuous throughout the calendar year.

(2) Except as provided in subsection (3) of this section, the regulations set forth in this chapter shall not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, the break between academic quarters shall not be considered a university holiday.

(3) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community, state property, or property belonging to members of the university community shall be impounded on the first violation regardless of whether the violation occurs on a Saturday, Sunday or official university holiday. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-265, filed 8/22/80; Order 75-4, § 516-12-265, filed 8/11/75.]

WAC 516-12-268 Lack of space in assigned lot. In the event a parking permit holder cannot locate a parking space in the assigned lot, he or she shall park anywhere in the assigned lot and call the Department of Safety and Security. In no event shall the permit holder park in any lot other than the assigned lot. [Order 75-4, § 516-12-268, filed 8/11/75.]

WAC 516-12-280 Liability of university. The university assumes no liability under any circumstances for vehicles parked on campus. The university rents space to individuals who wish to park on campus and who purchase a parking permit. No bailment of any sort is created by the purchase of a permit. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-280, filed 8/22/80; Order 75-4, § 516-12-280, filed 8/11/75; Order 70-10, § 516-12-280, filed 3/2/70.]

WAC 516-12-290 Parking area designations. The Parking Manager is authorized to designate and mark the various parking areas on campus with numbers and/or letters by the posting of signs to indicate or establish the lot capacity, to erect signs, barricades, and other structures, and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking. [Order 75-4, § 516-12-290, filed 8/11/75; Order 70-10, § 516-12-290, filed 3/2/70.]

WAC 516-12-300 Delegation of authority. The authority and powers conferred upon the Parking Manager under this chapter may be delegated by the Parking Manager to subordinates. [Order 75-4, § 516-12-300, filed 8/11/75; Order 70-10, § 516-12-300, filed 3/2/70.]

WAC 516-12-310 Parking of vehicles on campus. No person may utilize any vehicle parked on the campus as a living unit unless the Parking Manager has given written authorization for such action in advance. [Order 75-4, § 516-12-310, filed 8/11/75. Formerly WAC 516-12-310 effective date, Order 70-10, filed 3/2/70.]

WAC 516-12-320 Repair of vehicles. Repairs shall not be made to vehicles while parked on the campus of Western Washington University, unless the Parking Manager has given written authorization for such action in advance. [Statutory Authority: RCW 28B.35.120(11). 80-12-003 (Resolution 80-04), § 516-12-320, filed 8/22/80; Order 75-4, § 516-12-320, filed 8/11/75.]

Chapter 516-13 WAC

BICYCLE TRAFFIC AND PARKING REGULATIONS

WAC

516-13-010	Purpose.
516-13-020	Parking regulations.
516-13-030	Impounding of bicycles.
516-13-060	Motorized bicycles.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-13-040	Unauthorized use. [Order 3085, § 516-13-040, filed 8/9/71.] Repealed by Order 75-4, filed 8/11/75.
516-13-050	Areas—Horns. [Order 3085, § 516-13-050, filed 8/9/71.] Repealed by Order 75-4, filed 8/11/75.

WAC 516-13-010 Purpose. The primary aim of the regulations set forth in this chapter shall be to prevent the unsafe use and/or unsafe parking of bicycles on the

campus of Western Washington State College. [Order 75-4, § 516-13-010, filed 8/11/75; Order 3085, § 516-13-010, filed 8/9/71.]

WAC 516-13-020 Parking regulations. No person shall park a bicycle in the public areas of buildings on the campus of Western Washington State College (except in designated areas, if any). No person shall park a bicycle on the campus of Western Washington State College on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance. [Order 75-4, § 516-13-020, filed 8/11/75; Order 3085, § 516-13-020, filed 8/9/71.]

WAC 516-13-030 Impounding of bicycles. (1) Bicycles may be impounded for illegal parking if parked in public areas of buildings (except in designated areas) or parked so as to block paths, walkways or building exits.

(2) Bicycles will be released upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately after impound and must reclaim the bicycle within seven days. Bicycles unclaimed after seven days will be released to the Bellingham Police Department. [Order 75-4, § 516-13-030, filed 8/11/75; Order 3085, § 516-13-030, filed 8/9/71.]

WAC 516-13-060 Motorized bicycles. Motorized bicycles are, for the purpose of this regulation, considered to be motorcycles and are subject to all traffic rules and regulations controlling motorcycles. [Order 75-4, § 516-13-060, filed 8/11/75; Order 3085, § 516-13-060, filed 8/9/71.]

Chapter 516-14 WAC

APPEALS FROM PARKING VIOLATIONS

WAC

516-14-010	Establishment of Parking Appeals Board and appointment of members.
516-14-020	Jurisdiction of the college Parking Appeals Board.
516-14-030	Procedure—Summons and service thereof.
516-14-040	Procedure—Election to forfeit or contest.
516-14-050	Procedure—Complaint.
516-14-060	Procedure—Pleas at hearing.
516-14-070	Procedure—Oath or solemn affirmation.
516-14-080	Procedure—Rules of evidence.
516-14-090	Procedure—Examination of witnesses.
516-14-100	Procedure—Judgment.
516-14-110	Enforcement of judgments of the College Parking Appeals Board.

WAC 516-14-010 Establishment of Parking Appeals Board and appointment of members. A Parking Appeals Board is hereby established. The Parking Appeals Board shall consist of one administrator, one faculty member and one staff member, to be appointed by the administrators, faculty and staff, respectively, and four students, to be appointed by the Associated Students. The Board shall choose its own chairman from its members. [Order 75-9, § 516-14-010, filed 9/12/75; Order 3085, § 516-14-010, filed 8/9/71.]

WAC 516-14-020 Jurisdiction of the college Parking Appeals Board. (1) The Parking Appeals Board shall have jurisdiction to hear and decide cases involving alleged violations of Western Washington State College's Parking Regulations as set forth in chapter 516-12 WAC.

(2) The Parking Appeals Board shall have no jurisdiction to hear and decide cases involving moving traffic violations or violations of the motor vehicle and other traffic laws of the State of Washington or the traffic code of the City of Bellingham. Such violations shall be referred by the Department of Safety and Security to the Bellingham Police Department and the Bellingham District Justice Court. [Order 75-9, § 516-14-020, filed 9/12/75; Order 3085, § 516-14-020, filed 8/9/71.]

WAC 516-14-030 Procedure—Summons and service thereof. Whenever the Department of Safety and Security has probable cause to believe that a violation of chapter 516-12 WAC has occurred, the Department may issue a parking citation setting forth the date, the approximate time, the locality, and the nature of the violation. The citation may be served on the violator by attaching or affixing a copy thereof to the vehicle involved in the violation. [Order 75-9, § 516-14-030, filed 9/12/75; Order 3085, § 516-14-030, filed 8/9/71.]

WAC 516-14-040 Procedure—Election to forfeit or contest. (1) A parking citation issued pursuant to these regulations shall notify the violator that he or she may either forfeit the fine applicable to the violation or contest the citation by filing an appeal with the Parking Appeals Board.

(2) A person choosing to forfeit a parking fine shall mail the appropriate amount to the Western Washington State College Department of Safety and Security, 516 High Street, Bellingham, Washington, or deliver the amount of the fine in person to the Department of Safety and Security. The forfeiture of a parking fine shall constitute a waiver of the right to a hearing with regard to the underlying violation.

(3) A person choosing to file an appeal from a parking citation shall, within seven (7) days after the date of the citation, contact the Department of Safety and Security and request a date to appear before the Parking Appeals Board. The request for hearing may be made by telephone, by mail, or in person.

(4) The failure of a person who has filed an appeal from a parking citation to appear before the Parking Appeals Board on the date set for hearing or to apply for a continuation of the hearing date shall constitute a withdrawal of the appeal. [Order 75-9, § 516-14-040, filed 9/12/75; Order 3085, § 516-14-040, filed 8/9/71.]

WAC 516-14-050 Procedure—Complaint. A parking citation served in accordance with the provisions of this chapter shall constitute a complaint against the driver of the vehicle cited, the person to whom a permit has been issued for the vehicle, and the owner of the vehicle.

A citation may be amended or modified at any time. An amended citation may include additional charges against the violator. A violator must be notified whenever a citation is amended or modified. If an amendment or modification to a citation might prejudice or hamper a violator in the presentation of defenses to the citation, the Parking Appeals Board shall, upon the request of the violator, grant an appropriate continuation of the appeal proceedings. [Order 75-9, § 516-14-050, filed 9/12/75; Order 3085, § 516-14-050, filed 8/9/71.]

WAC 516-14-060 Procedure—Pleas at hearing. At the date set for a hearing before the Parking Appeals Board, the alleged violator shall appear and plead either guilty or not guilty. Upon a plea of guilty, the Board shall hear evidence which the violator presents concerning the amount of the fine and/or penalty which should be imposed. Upon a plea of not guilty, an alleged violator may present all available defenses. [Order 75-9, § 516-14-060, filed 9/12/75; Order 3085, § 516-14-060, filed 8/9/71.]

WAC 516-14-070 Procedure—Oath or solemn affirmation. The Parking Appeals Board may require witnesses at hearings to be sworn, or to present solemn affirmation that the testimony which the witnesses give is true. [Order 75-9, § 516-14-070, filed 9/12/75; Order 3085, § 516-14-070, filed 8/9/71.]

WAC 516-14-080 Procedure—Rules of evidence. The rules of evidence applicable in courts of law shall not apply to hearings before the Parking Appeals Board. The Board may receive any oral or documentary evidence. The Board may exclude evidence which is irrelevant or unduly repetitious. [Order 75-9, § 516-14-080, filed 9/12/75; Order 3085, § 516-14-080, filed 8/9/71.]

WAC 516-14-090 Procedure—Examination of witnesses. An alleged violator shall be afforded an opportunity to cross-examine opposing witnesses. The Department of Safety and Security shall be afforded an opportunity to cross-examine witnesses presented on behalf of an alleged violator. The Parking Appeals Board may examine the witnesses for either side, or call and examine witnesses on the Board's own motion. [Order 75-9, § 516-14-090, filed 9/12/75; Order 3085, § 516-14-090, filed 8/9/71.]

WAC 516-14-100 Procedure—Judgment. At the conclusion of a hearing before the Parking Appeals Board, the Board shall specify the charge or charges against the alleged violator, pronounce a judgment of guilty or not guilty as to each charge, and assess fines or penalties in accordance with the schedule of fines and penalties established under chapter 516-12 WAC. A record of the judgment and of the fine imposed, if any, shall be maintained by the Department of Safety and Security. [Order 75-9, § 516-14-100, filed 9/12/75; Order 3085, § 516-14-100, filed 8/9/71.]

WAC 516-14-110 Enforcement of judgments of the College Parking Appeals Board. A parking permit holder who fails to comply with a final judgment of the Parking Appeals Board shall be notified in writing by the Parking Manager that the violator's failure to comply with the judgment of the Board constitutes a ground for revocation of the violator's parking permit. The Parking Manager shall have authority to revoke a parking permit holder's parking privileges for failure, after due notice, to comply with a judgment of the Parking Appeals Board.

Any unpaid fine adjudged by the College Parking Appeals Board will be deducted from any refund due as a result of revocation of parking privileges. [Order 75-9, § 516-14-110, filed 9/12/75; Order 3085, § 516-14-110, filed 8/9/71.]

Chapter 516-20 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-20-001	Rights and responsibilities. [Order 72-10, § 516-20-001, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
516-20-021	Freedom of expression—Conduct. [Order 72-10, § 516-20-021, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
516-20-031	Speakers—Conduct. [Order 72-10, § 516-20-031, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
516-20-041	Printed material—Conduct. [Order 72-10, § 516-20-041, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.

- 516-20-051 Placement—Conduct. [Order 72-10, § 516-20-051, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-061 Disorderly conduct. [Order 72-10, § 516-20-061, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-080 Drugs. [Order 72-10, § 516-20-080, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-081 Drugs—Conduct. [Order 72-10, § 516-20-081, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-091 Theft. [Order 72-10, § 516-20-091, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-101 Firearms and explosives. [Order 72-10, § 516-20-101, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-111 Residence hall room visitation. [Order 72-10, § 516-20-111, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-121 Student identification card—Conduct. [Order 72-10, § 516-20-121, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-125 Judicial proceedings. [Order 76-2, § 516-20-125, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-131 Failure to appear before a judicial hearing. [Order 72-10, § 516-20-131, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-132 Failure to adhere to judicial board sanctions. [Order 72-10, § 516-20-132, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-133 Judicial proceedings—Procedural rights of students. [Order 72-10, § 516-20-133, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-134 Judicial boards. [Order 72-10, § 516-20-134, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-135 Types of judicial action. [Order 72-10, § 516-20-135, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-136 Committee on student rights and responsibilities. [Order 72-10, § 516-20-136, filed 11/17/72.] Repealed by Order 76-2, filed 6/7/76.
- 516-20-145 College Conduct Hearing Officer. [Order 76-2, § 516-20-145, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-155 Judicial board proceedings. [Order 76-2, § 516-20-155, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
- 516-20-205 Withdrawal of student prior to completion of proceedings. [Order 76-2, § 516-20-205, filed 6/7/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).

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

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

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

(1) Giving unauthorized information to another student or receiving unauthorized information from another student during any type of examination or test.

(2) Obtaining or providing without authorization questions or answers relating to any examination or test prior to the time of the examination or test.

(3) Using unauthorized sources for answers during any examination or test.

(4) Engaging in any and all forms of plagiarism. Plagiarism is defined as the act of appropriating the literary composition of another, or parts or passages of another's writings, or the ideas or language of the same, and passing them off as the product of one's own mind.

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

(6) Submitting fraudulent admission credentials.

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

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

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

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

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

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

graduates or permanently severs his/her relationship with the university.

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

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

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

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

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

(c) May be placed on disciplinary suspension.

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

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

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

(b) Shall receive a grade of F in the course involved, shall be placed on disciplinary suspension, and upon return to the university shall be placed on disciplinary probation for the remainder of his/her academic education.

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

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

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

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

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

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

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

(5) The essence of the right to speak is the freedom of the speaker to make his statement, and both the speaker and the audience are entitled to proceed without being subjected to physical interference or violence. Persons deliberately engaging in acts of violence or threats of violence or in other conduct which materially or substantially disrupts the exchange of ideas on the campus of Western Washington University are subject to removal from the campus and/or prosecution under law. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-030, filed 5/14/79; Order 76-2, § 516-20-030, filed 6/7/76; Order 72-10, § 516-20-030, filed 11/17/72.]

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

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

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

Other exceptions for very special events, conferences, directional signs, etc., will be made by the Supervisor of

Scheduling for academic areas; by the Housing Office for housing areas; and by the Viking Union for student activity facilities.

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

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

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

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

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

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

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

WAC 516-20-071 Alcoholic beverages. Alcoholic beverages may be used or possessed by persons on the campus only in accordance with Washington State Laws relating to alcoholic beverage control. [Order 76-2, § 516-20-071, filed 6/7/76; Order 75-11, § 516-20-071, filed 9/10/75; Order 72-10, § 516-20-071, filed 11/17/72.]

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

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

VICE PRESIDENT FOR STUDENT AFFAIRS
OF THE UNIVERSITY

|
UNIVERSITY
JUDICIAL
BOARD
(Appellate, Referral)

|
UNIVERSITY
CONDUCT
HEARING OFFICER
(Appellate Original)

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

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

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

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

(4) The University Judicial Board shall have authority to adjudicate and administer sanctions for violations of this chapter. Alleged violations or appeals which occur within the final two weeks of a spring quarter may be heard by the Summer Board. [Statutory Authority:

RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-140, filed 5/14/79; Order 76-2, § 516-20-140, filed 6/7/76.]

WAC 516-20-150 Summer Quarter Judicial Board.

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

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

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

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

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

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

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

WAC 516-20-160 Initiation of judicial proceedings.

Formal judicial proceedings against a student for an alleged act of academic dishonesty may be initiated by the instructor responsible for the course involved.

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

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

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

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

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

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

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

(3) The notice of hearing and request to appear shall be sent by certified mail or hand delivered. When certified mail is used as a means of delivery, the notice will be mailed to the student at the last address on file in the Office of Student Affairs. If the notice is returned via

the mails undelivered, the Office of Safety and Security will be charged with hand delivery and providing proof of delivery. The accused student must receive the notice of hearing and request to appear by not later than seven school days prior to the hearing. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-165, filed 5/14/79; Order 76-2, § 516-20-165, filed 6/7/76.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-182, filed 5/14/79.]

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

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

WAC 516-20-195 Records of proceedings. (1) A hearing officer or judicial board shall make a record of each case handled. This record shall include a statement of the charges brought against the accused student, a listing of the participants or witnesses in the judicial proceedings, a summary of the evidence presented during the proceedings and a statement of the final action taken by the hearing officer or judicial board. The records prepared by a hearing officer or judicial board shall be delivered to the Office of the Vice President for Student Affairs.

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

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

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

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

(4) If an appeal is filed, the Hearing Officer or Judicial Board chairperson will establish a time and place for the appeal proceedings and will give appropriate notice

to all individuals involved in the proceedings. The Judicial Board or Hearing Officer shall review an appeal on the basis of the evidence presented to, and record prepared by, the instructor or Hearing Officer from which the appeal is taken. The appellant has the right to request, as a part of his/her written statement, that the appeal be either a review of the proceedings without a rehearing or a complete hearing of the evidence.

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

WAC 516-20-210 Committee on student rights and responsibilities. (1) There is established a Committee on Student Rights and Responsibilities to be composed of four students: one appointed by Inter-Hall Council, one appointed by the President of the Associated Students, one appointed by the Associated Students' Governing Board, and one selected at large from the student body; one member of the student affairs staff appointed by the Vice President for Student Affairs; one faculty member appointed by the Faculty Senate; one Associate Dean of Students; and the Director of Safety and Security.

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

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

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

(2) The Fairhaven Judicial Subcommittee of the College Council shall have jurisdiction over all violations of the academic code which occur on the Fairhaven campus. Violations of the academic code by Fairhaven students while on the main campus of Western Washington

University shall be under the jurisdiction of the University Conduct Hearing Officer and the University Judicial Board. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-20-215, filed 5/14/79; Order 76-2, § 516-20-215, filed 6/7/76.]

Chapter 516-24 WAC GENERAL CONDUCT

WAC

516-24-001	Conduct of campus guests and visitors.
516-24-050	Community relations.
516-24-060	Alumni relations.
516-24-110	Vendor solicitation.
516-24-115	Business office—Cashier.
516-24-120	Official daily bulletin.
516-24-130	Demonstrations.

WAC 516-24-001 Conduct of campus guests and visitors. (1) The rules and regulations prescribed in this Title 516 shall be observed by guests and visitors while on the campus, or other College property.

(2) Guests and visitors on campus or other College property who willfully refuse to obey an order of a uniformed campus security officer or other law enforcement officer to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable. [Order 72-10, § 516-24-001, filed 11/17/72.]

WAC 516-24-050 Community relations. The Public Information Office serves as an information service center for the college, responsible for supplying information and answering queries about the college from news media, individuals and organizations external to the college. [Order 72-10, § 516-24-050, filed 11/17/72.]

WAC 516-24-060 Alumni relations. The Alumni Relations Office shall be the office through which the college chiefly communicates with its graduates, and shall be responsible for maintenance of current files concerning alumni information. Alumni mailing lists maintained by the Alumni Relations Office shall be confidential property of the college and the Alumni Association and shall not generally be provided to any other agency. Requests for lists for purposes of conducting legitimate educational research shall be subject to the review and approval of the Alumni Relations Office and the Office of the President. [Order 72-10, § 516-24-060, filed 11/17/72.]

WAC 516-24-110 Vendor solicitation. Door-to-door on-campus solicitation by vendors is prohibited. All unsolicited sales contacts shall be restricted to the office of the Division of Purchases. Unauthorized solicitation or selling in the residence halls should be immediately reported to a member of the residence hall staff. [Order 72-10, § 516-24-110, filed 11/17/72.]

WAC 516-24-115 Business office—Cashier. The cashier's office of the Western Washington State College business office shall be open for business during the hours posted by the College Controller or his designee. Personal checks may be cashed by staff and faculty at the cashier's window, subject to such limitations as may be imposed by the Comptroller. No two-party, state, or WWSC checks shall be cashed. Any N.S.F. checks cashed by the Cashier will be referred to the appropriate department head and subsequent check cashing privileges cancelled. [Order 72-10, § 516-24-115, filed 11/17/72.]

WAC 516-24-120 Official daily bulletin. *The Official Daily Bulletin* prints only administrative notices, Placement Office notices concerning job interviews and opportunities, and notices of events concerning or affecting the college community at large. All members of the college community are expected to consult the *Official Daily Bulletin* on the date of its publication. Those identified by name or class shall be deemed officially notified. Written notices for the *Official Daily Bulletin* must be signed and in the Bulletin Notice Box in the Mailroom by 2:30 p.m. the day before publication. Notices will not be accepted by phone. [Order 72-10, § 516-24-120, filed 11/17/72.]

WAC 516-24-130 Demonstrations. The value of active participation in political and social issues is recognized by Western Washington State College as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States and will be promoted and respected at all times.

The college further recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

To achieve these objectives it is essential that demonstrations be orderly and conducted in a manner that allows the college to function toward its established goals. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

- (1) Classroom activities and other educational pursuits;
- (2) Recognized college activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;
- (3) Pedestrian and vehicular traffic;
- (4) Preservation and protection of college property and personal property of individuals.

Any person persisting in such conduct after being requested to cease by college authorities, shall be subject to disciplinary proceedings. Such disciplinary proceedings shall be by the appropriate campus justice committee, subject to final review, hearing, and decision by the President and the Board of Trustees.

Where necessary for the preservation of order and to enforce the law, the President of the College or his designee is authorized to call upon law enforcement officers for assistance. [Order 72-10, § 516-24-130, filed 11/17/72.]

Chapter 516-26 WAC STUDENT RECORDS

WAC

516-26-010	Purpose.
516-26-020	Definitions.
516-26-030	Access to records.
516-26-035	Access to records—Limitations on access.
516-26-040	Right to copy records.
516-26-045	Request for explanation or interpretation of record.
516-26-050	Challenges—To content of records—To release of records—Or to denial of access to records.
516-26-055	Challenges—Informal proceedings.
516-26-060	Challenges—Hearing before Student Rights and Responsibilities Committee.
516-26-070	Release of personally identifiable information or education records.
516-26-075	Release of personally identifiable information or education records—Nature of consent required.
516-26-080	Release of personally identifiable information or education records—Exceptions to consent requirement.
516-26-085	Release of information in emergencies.
516-26-090	Directory information.
516-26-095	Destruction of student records.
516-26-100	Notification of rights under this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-26-065	Student Records Committee. [Order 76-4, § 516-26-065, filed 8/20/76.] Repealed by 79-06-019 (Order 79-05, Resolution 79-05), filed 5/14/79. Statutory Authority: RCW 28B.35.120(11).
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WAC 516-26-010 Purpose. The purpose of this chapter is to implement Public Law 93-380, The Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05, Resolution 79-05), § 516-26-010, filed 5/14/79; Order 76-4, § 516-26-010, filed 8/20/76.]

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

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

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

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

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

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

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

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

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

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

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

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

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

(4) The Vice President for Student Affairs shall provide students of the university with an opportunity for

reasonable access to education records, provided that the Vice President for Student Affairs shall be responsible for taking appropriate measures to safeguard and insure the security and privacy of the institution's records while being inspected by students.

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

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

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

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

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

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

(i) Admission to any educational agency or institution;

(ii) An application for employment; or

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

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

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document. [Statutory Authority: RCW 28B.35.120(11). 79-06-019 (Order 79-05,

Resolution 79-05), § 516-26-035, filed 5/14/79; Order 76-4, § 516-26-035, filed 8/20/76.]

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

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

WAC 516-26-045 Request for explanation or interpretation of record. The Vice President for Student Affairs shall respond to reasonable requests for explanations or interpretations of the contents of student education records. [Order 76-4, § 516-26-045, filed 8/20/76.]

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

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

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

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

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

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

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

WAC 516-26-055 Challenges--Informal proceedings. A student wishing to exercise the rights set forth in WAC 516-26-050(2) shall first discuss with the Vice President for Student Affairs the nature of the corrective action sought by the student. [Order 76-4, § 516-26-055, filed 8/20/76.]

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

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

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

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

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

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

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

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

WAC 516-26-075 Release of personally identifiable information or education records--Nature of consent required. Where the consent of a student is required under WAC 516-26-070 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom

the records may be released. [Order 76-4, § 516-26-075, filed 8/20/76.]

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

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

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

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

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

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

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

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

(3) The university shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in WAC 516-26-080(1)(a), which have requested or obtained access

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 516-31 WAC

STATE ENVIRONMENTAL POLICY ACT—RULE

WAC

516-31-010 Implementation of State Environmental Policy Act.

WAC 516-31-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Western Washington State College that all actions taken by the College shall comply with the provisions of chapter 43-.21C RCW (the State Environmental Policy Act) and chapter 197-10 WAC, as presently enacted or hereafter amended.

(2) The President of Western Washington State College shall be responsible for administering and implementing this policy. The President shall designate the College personnel who will be responsible for carrying out the duties and functions of the College as set forth or incorporated herein. [Order 76-8, § 516-31-010, filed 12/14/76.]

Chapter 516-34 WAC

LEASING OF COLLEGE PROPERTY FOR BUSINESS PURPOSES

WAC

516-34-010 Request to lease college property.

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516-34-020 Consideration of request and initial proposal.
 516-34-030 Preliminary evaluation by board of trustees.
 516-34-040 Public notice of intention to lease.
 516-34-050 Submission of final proposals.
 516-34-060 Consideration and evaluation of final proposal(s).
 516-34-070 Notice of rejection.

WAC 516-34-010 Request to lease college property. Any individual desiring to provide a particular service to the Western Washington State College community from a leased location on the campus of Western Washington State College shall submit to the Business Manager of the College an initial written proposal for the provision of that service and a request to lease college property. [Order 73-13, § 516-34-010, filed 8/8/73.]

WAC 516-34-020 Consideration of request and initial proposal. (1) The Business Manager shall forward each request for lease and initial proposal for services to appropriate college committees and/or councils for evaluation and for determination of the following factors:

(a) whether there is a need for the proposed service on the campus of Western Washington State College;

(b) whether the proposed service is compatible with the goals and objectives of the college;

(c) whether the proposed service can be provided within the context of existing campus resources or programs, thus rendering a new lease unnecessary;

(d) whether the requested lease is acceptable within the framework of the college land use plan;

(e) whether the requested lease should be granted;

(f) which, if any, of the college property should be leased in connection with the proposed service.

(2) Upon completion of the above evaluation and determination, each committee and/or council involved shall submit a written statement of its findings with regard to the above factors and a written recommendation to the College President or his designee. A determination shall thereupon be made as to whether the initial proposal and/or request for lease should be denied or should be presented to the Board of Trustees for consideration.

(a) if the determination is made that a particular initial proposal and/or request for lease should not be granted, the college shall give written notice of denial to the individual presenting the proposal and request for lease, and shall include with this notice a copy of the recommendations of any college committees involved and a statement of the reasons for denial. [Order 73-13, § 516-34-020, filed 8/8/73.]

WAC 516-34-030 Preliminary evaluation by board of trustees. The Board of Trustees shall consider and evaluate each initial proposal for services and request for lease referred to the Board. The Board of Trustees may either deny or give preliminary approval in whole or in part to each such initial proposal for services or request for lease. [Order 73-13, § 516-34-030, filed 8/8/73.]

WAC 516-34-040 Public notice of intention to lease. Whenever the Board of Trustees gives preliminary approval to an initial proposal for services and request for lease, the college shall forthwith give reasonable and

timely notice to members of the public and to interested parties indicating that the college will consider leasing a particular area of college property in connection with the provision of a particular service to the college community. Said notice shall specify a time limit for submission of proposals by members of the public relating to said provision of services and lease. [Order 73-13, § 516-34-040, filed 8/8/73.]

WAC 516-34-050 Submission of final proposals. Within the time limit specified in the public notice given by the college, any individual interested in leasing the particular area of college property specified in the notice for the purpose of providing the particular service specified in the notice shall submit a proposal to the college setting forth in detail the means and methods by which that individual would utilize the leased property and provide the desired service to the college community. [Order 73-13, § 516-34-050, filed 8/8/73.]

WAC 516-34-060 Consideration and evaluation of final proposal(s). (1) The college shall carefully examine and evaluate all proposals for lease of college property and provision of services. The factors considered by the college in evaluating such proposals shall include but not be limited to the following:

(a) the capabilities, qualifications, and experience of each person, firm, corporation, or organization who would be involved in the execution of the proposal;

(b) the financial stability of each person, firm[,] corporation, or organization owning and/or operating the proposed service facility;

(c) the educational and/or academic value of each proposal to the college;

(d) whether the proposal indicates that there will be full compliance at all times with the applicable requirements of the college's affirmative action program;

(e) the overall projected ability of each proposal to provide the desired service.

(2) Upon completion of the evaluation, the college shall determine which, if any, of the submitted proposals is in the best interests of the college. The college shall have authority to reject all proposals as being unsatisfactory. [Order 73-13, § 516-34-060, filed 8/8/73.]

WAC 516-34-070 Notice of rejection. The college shall give prompt notice in writing to individuals whose final proposals have been rejected and shall clearly specify the reasons for such rejection. [Order 73-13, § 516-34-070, filed 8/8/73.]

Chapter 516-36 WAC

USE OF COLLEGE FACILITIES—SCHEDULING

WAC

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| 516-36-001 | Use of college facilities by off-campus persons or groups—Requests. |
| 516-36-020 | Use of college facilities by off-campus persons or groups—Evaluation of request for use. |
| 516-36-030 | Use of college facilities by off-campus persons or groups—Assessment of fees. |

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| 516-36-040 | Use of facilities by persons or groups affiliated with the college—Authority to develop policies. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 516-36-005 | Office of space and schedules. [Order 72-10, § 516-36-005, filed 11/17/72.] Repealed by Order 75-10, filed 11/10/75. |
| 516-36-010 | Auditoria. [Order 72-10, § 516-36-010, filed 11/17/72.] Repealed by Order 75-10, filed 11/10/75. |

WAC 516-36-001 Use of college facilities by off-campus persons or groups—Requests. Any person who is not affiliated with the college and who desires to use college facilities on a temporary basis for purposes other than assigned college activities shall submit a request for use of college facilities to the President or his designee. [Order 75-10, § 516-36-001, filed 11/10/75; Order 72-10, § 516-36-001, filed 11/17/72.]

WAC 516-36-020 Use of college facilities by off-campus persons or groups—Evaluation of request for use. (1) The President (or the President's designee) shall have the authority to accept or reject, in whole or in part, a request submitted pursuant to WAC 516-36-001.

(2) In evaluating a request submitted pursuant to WAC 516-36-001, the President shall consider the following factors:

(a) Whether the facilities requested are to be used in connection with a regularly scheduled college program.

(b) Whether the intended use of the college's facilities is compatible with the educational mission and objectives of the college.

(c) Whether the intended use might cause a disruption of the college's relationship with the local community by conflicting with services provided by private enterprise within the Bellingham area.

(d) The capabilities, qualifications, experience, and financial stability of the individual, organization, or group submitting the request.

(3) Whenever the President (or the President's designee) rejects, either in whole or in part, a request for use of college facilities, the reasons for such rejection shall be stated in writing. [Order 75-10, § 516-36-020, filed 11/10/75.]

WAC 516-36-030 Use of college facilities by off-campus persons or groups—Assessment of fees. (1) The President (or the President's designee) shall have authority to establish a schedule of fees to govern the use of college facilities by persons who are not affiliated with the college, and to alter or modify the fee schedule whenever such action is deemed to be necessary or appropriate or in the best interests of the college. The fee for each campus facility shall be sufficient to insure the recovery by the college of all direct and indirect costs associated with the use of the facility, including all direct and indirect costs of goods or services furnished by the college in connection with the use of the facility.

(2) The President (or the President's designee) may waive all or part of the normal fee for use of a particular

facility by persons not affiliated with the college under the following circumstances:

(a) Members of the college community will receive a substantial benefit from the intended use of the facility and no person or group will derive profit from the intended use of the facility; or

(b) The group requesting the use of the college's facility is an agency of the State of Washington. [Order 75-10, § 516-36-030, filed 11/10/75.]

WAC 516-36-040 Use of facilities by persons or groups affiliated with the college—Authority to develop policies. The President (or the President's designee) shall have authority to develop and implement policies relating to the use of college facilities by persons or groups affiliated with the college. [Order 75-10, § 516-36-040, filed 11/10/75.]

Chapter 516-37 WAC

USE OF COLLEGE FACILITIES—LIBRARY AND EDUCATIONAL MEDIA SERVICES

WAC

516-37-001	Use of library facilities by noncampus related persons.
516-37-005	Library hours.
516-37-010	Library hours—Library—Bulletin board posting.
516-37-011	Library hours—Library—Handbills.
516-37-020	Library loan policy—On-campus borrowers.
516-37-030	Library loan policy—Library—Briefcase inspection.
516-37-100	Educational media services.

WAC 516-37-001 Use of library facilities by non-campus related persons. General policy is to extend the use of Wilson Library resources and facilities freely to noncampus persons who wish to make use of Wilson Library resources for some scholarly, book or study-related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well. Such use of library facilities by noncampus related persons does not extend to borrowing privileges, except materials may be loaned to persons in the following categories upon such terms as the Director of the Library or his designee shall approve:

(1) Faculty of other four-year colleges and universities are accorded borrowing privileges under the Reciprocal Library Privilege Policy adopted by the Washington Higher Education Library Committee in 1969.

(2) Persons who have joined the "Friends of the Mabel Zoe Wilson Library" at a minimum rate of ten dollars are issued cards only upon application which are renewable each year, upon application, by such persons.

(3) Persons who join the Western Washington State College Alumni Association and who subscribe ten dollars or more are issued cards only upon application.

(4) Cooperating teachers are provided loan privileges upon request.

(5) Individuals approved by the Director of Wilson Library or his designee such as visiting scholars, research-oriented members of the local community, faculty from neighboring colleges, city officials, local teachers, may be issued a short-term "Associate Courtesy Card." [Order 72-10, § 516-37-001, filed 11/17/72.]

WAC 516-37-005 Library hours. During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. Wilson Library may be open for limited service on holidays when demand for library facilities can be expected from the college community. Hours may be adjusted without notice to meet special conditions. [Order 72-10, § 516-37-005, filed 11/17/72.]

WAC 516-37-010 Library hours—Library—Bulletin board posting. All posting in Wilson Library is permitted only on the regularly designated bulletin boards. Responsibility and supervision of all bulletin boards in the library is assigned to the Reference Department. All posters or materials requested to be displayed by students are expected to carry the ASB stamp and to be dated. Posters that do not carry the ASB stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the Assistant Director for Public Services or his designee. [Order 72-10, § 516-37-010, filed 11/17/72.]

WAC 516-37-011 Library hours—Library—Handbills. No handbills or other literature may be passed out in the Library. Upon application and with the permission of Wilson Library, any literature which qualifies under the provisions of WAC 516-20-014 may be placed at the Circulation Desk in a location designated by the Circulation staff. [Order 72-10, § 516-37-011, filed 11/17/72.]

WAC 516-37-020 Library loan policy—On-campus borrowers. General circulation books and periodicals may be loaned to students, faculty, teaching assistants, department assistants and other on-campus borrowers for periods specified by the Director of the Library and in accordance with the library rules. The Director shall establish and post in the circulation department a schedule of charges for late returns or damaged or lost materials. Undergraduates may borrow general circulation books, with no restrictions on number, for the relevant loan period obtaining. These books may be renewed as often as requested unless they are reserved for other patrons. Periodicals are not generally loaned to undergraduate students.

Graduate students may borrow general circulation books for a period of one quarter, subject to Library rules. Periodicals are not generally loaned to graduate students.

Faculty may borrow general circulation books for a period of one year, subject to Library rules. All books are due on May 1 each year except that books charged

or renewed in spring quarter do not become due until May 1, of the following year.

Teaching assistants or departmental assistants may borrow books under general circulation loan regulations applicable to graduate students, provided that, teaching assistants, graduate assistants, departmental assistants or research assistants (but not graduate students as such) who hold a card signed by the Graduate Dean designating their status may borrow periodicals on the same basis as faculty. [Order 72-10, § 516-37-020, filed 11/17/72.]

WAC 516-37-030 Library loan policy—Library—Briefcase inspection. The circulation system is designed to provide control of the collection in order to insure its maximum availability to the users of the Library. In order to make certain that the circulation system is fully functional, all briefcases and other carriers shall be inspected upon the user's leaving the Library. Persons choosing not to have their briefcases or other carriers inspected may leave them upon entry at the designated places provided. [Order 72-10, § 516-37-030, 11/17/72.]

WAC 516-37-100 Educational media services. Educational Media Services coordinate the utilization of the various media of communication in support of the instructional program. Such facilities are not available for nonacademic purposes, provided that the audio-visual reference service may, in its discretion, loan equipment to student organizations which are officially recognized by the Associated Students of Western Washington State College.

(1) Requests for equipment and operators must be placed with the Student Activities Office and transmitted to the Audiovisual Office for scheduling and related arrangements 24 hours in advance.

(2) The student group assumes full responsibility for any damage or loss of borrowed audio-visual equipment. A loan charge shall be required for equipment which is borrowed and a schedule of loan charges shall be available at the Student Activities Office and at the Audiovisual Office. [Order 72-10, § 516-37-100, filed 11/17/72.]

Chapter 516-38 WAC

USE OF CAMPUS FACILITIES—GENERAL

WAC

516-38-050	Computer center.
516-38-051	Computer use.
516-38-052	Computer use—Procedures.
516-38-053	Computer use—Confidentiality.
516-38-110	Speech clinic.
516-38-115	Career planning and placement center.
516-38-116	Placement credentials—Fees.
516-38-117	Recruitment activities.
516-38-118	Job notification.
516-38-119	Reciprocal services.

WAC 516-38-050 Computer center. The Computer Center of Western Washington State College serves the

instructional, research, and administrative computing needs of the campus. [Order 72-10, § 516-38-050, filed 11/17/72.]

WAC 516-38-051 Computer use. First priority for computer use shall be given the scholarly pursuits of the college's students and staff in research and instructional processes. The Computer Center may, at commercially competitive rates or for value received, sell services to noncampus clientele when, in the opinion of the Director of the Computer Center,

(a) the sale will not in any way jeopardize, dilute or compromise the Center's service to campus clientele, and

(b) similar services are not available elsewhere in the community, and

(c) the service involves an appropriate sensible and nontrivial use of the computer relating to some college program or goal. [Order 72-10, § 516-38-051, filed 11/17/72.]

WAC 516-38-052 Computer use—Procedures. Application forms for computer services are available at the Computer Center. Large projects shall be brought to the Center's attention at the earliest possible time in the planning stage.

The specified times of availability of Center facilities will be determined by the Director and posted in a conspicuous location in the Computer Center. The times of availability may vary from time to time as necessary, and shall provide for an orderly progression of data processing by which the academic, administrative, and instructional requirements receive processing and such schedules may be developed and projected to provide maximum utilization of the many areas of the data processing facility for the students, faculty and administration. [Order 72-10, § 516-38-052, filed 11/17/72.]

WAC 516-38-053 Computer use—Confidentiality. Application for computer services by any individual or agency customer shall be deemed a representation that such customer has established and is following procedures which protect the right of individuals to the privacy and confidentiality of records concerning them, regardless of whether or not such records are mechanized. Customers shall be responsible for providing such control procedures and mechanisms as are necessary to protect the confidentiality of any particular data base. [Order 72-10, § 516-38-053, filed 11/17/72.]

WAC 516-38-110 Speech clinic. The resources of the Speech Clinic of the Western Washington State College Speech Department may be made available persons in the county with hearing or speech defects. Applications for the use of such resources shall be made through the Chairman of the Speech Department, or his designee, who may charge a fee for such service. The fee schedule shall be prominently posted in the office of the Speech Department. [Order 72-10, § 516-38-110, filed 11/17/72.]

WAC 516-38-115 Career planning and placement center. The Career Planning and Placement Center provides (1) career planning services for undergraduates and (2) placement services for the following "eligible persons": graduating seniors (who may establish placement credentials the quarter they become a senior), graduate degree or certificate candidates (including graduates of other institutions who may establish placement credentials upon earning thirty (30) quarter credit hours toward advanced degree or certificate at Western) and alumni (who have received a degree or certificate from Western). Open lists of all employment opportunities and campus recruiting visits are maintained by the Placement Center for qualified students. [Order 72-10, § 516-38-115, filed 11/17/72.]

WAC 516-38-116 Placement credentials—Fees. Eligible persons may complete registration forms at the Center establishing placement credentials to be placed in the Center's placement credentials file. The Center may charge fees for its services and its schedule of fees shall be prominently posted within the Placement Center. Placement Center services may be denied any individual who fails to pay placement fees when due. The Center shall not duplicate or mail incomplete credential files, individual recommendations or personal resumes. Credentials are confidential and may only be sent to legitimate prospective employers or transferred to other educational institutions for establishment there of placement credentials. [Order 72-10, § 516-38-116, filed 11/17/72.]

WAC 516-38-117 Recruitment activities. (1) All legitimate employers (organizations interested in hiring graduating students or alumni and recruiting personnel from college or university graduate schools, provided, however, that no commercial or state employment agency shall be allowed to solicit students or alumni on campus) shall be coordinated by the Placement Center subject to the following conditions:

A. Employers shall not be eligible to recruit on campus unless they comply with all federal and state laws against discrimination.

B. All interviewing arranged by the Placement Center shall be conducted in offices or space provided by the Placement Center.

C. Recruiters for school districts, business and industrial firms and government agencies may be assigned individual rooms and eligible persons required to adhere to prearranged interview schedules.

D. Recruiters for the military, Peace Corps and Vista may be assigned individual rooms and students may be interviewed on a "drop-in" basis.

E. All company literature and brochures shall be displayed either within the interviewing room or on placement center literature tables.

F. Poster boards and signs related to campus interviews may be posted on bulletin boards or other designated areas upon the approval of the Placement Center, in compliance with college policy.

G. All prospective employers shall be free to present their points of view, and all students shall be free to determine whether they desire to listen to their presentations.

(2) To be eligible to sign up for recruitment interviews, candidates must meet the qualifications stipulated by the prospective employer. First priority on sign-up schedules shall be given students currently enrolled and eligible for placement services (provided they have established complete placement credentials with the Placement Center) and second priority shall be given alumni eligible for Placement services (provided they have established complete placement credentials with the Placement Center). [Order 72-10, § 516-38-117, filed 11/17/72.]

WAC 516-38-118 Job notification. Notification of positions listed with the Placement Center shall be available without screening, selecting or promoting, only to registered candidates who have updated and activated their credentials; graduates of other colleges or universities who have established reciprocity; and any bona fide employer who complies with federal and state laws against discrimination. [Order 72-10, § 516-38-118, filed 11/17/72.]

WAC 516-38-119 Reciprocal services. Requests from Western's candidates for service from another institution must be made by the Placement Director. The credentials of such candidates must be updated and active. [Order 72-10, § 516-38-119, filed 11/17/72.]

Chapter 516-52 WAC HEALTH AND SAFETY

WAC

- 516-52-001 Smoking on campus.
516-52-010 Control of dogs.

WAC 516-52-001 Smoking on campus. Smoking shall not be permitted in any building on campus except in (1) posted areas designated by the President or his designee, (2) inner faculty and administrative offices at the discretion of the individual in charge of each office, and (3) seminar classes on condition a faculty member is present and adequate ashtrays are available. [Order 72-10, § 516-52-001, filed 11/17/72.]

WAC 516-52-010 Control of dogs. (1) Dogs are not permitted in college buildings.

(2) Dogs are not permitted on college property unless under immediate control of their owner. [Order 72-10, § 516-52-010, filed 11/17/72.]

Chapter 516-56 WAC COLLEGE HOUSING AND DINING

WAC

- 516-56-001 Housing and dining—General.
516-56-002 Applicability of housing and dining rules.

516-56-010	Applications for residence halls and college apartments.
516-56-011	Assignments to residence halls.
516-56-012	Assignments to college apartments.
516-56-020	Deposits.
516-56-021	Room and board payments.
516-56-022	Apartment rentals.
516-56-023	Charges for damages.
516-56-030	Entry into rooms or apartments.
516-56-040	Refunds.
516-56-050	Responsibility for personal property.
516-56-060	Eligibility for occupancy.
516-56-070	Housing regulations—General.
516-56-080	Consolidation of facilities.
516-56-090	Guests.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-56-013	Assignments to married student apartments. [Order 72-10, § 516-56-013, filed 11/17/72.] Repealed by Order 74-3, filed 3/13/74.
516-56-100	Possession of alcoholic beverages. [Order 72-10, § 516-56-100, filed 11/17/72.] Repealed by Order 75-11, filed 9/10/75.
516-56-110	Off-campus housing—Listing. [Order 72-10, § 516-56-110, filed 11/17/72.] Repealed by Order 74-3, filed 3/13/74.

WAC 516-56-001 Housing and dining—General. The objectives of the housing and dining areas maintained by Western Washington State College are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life. [Order 72-10, § 516-56-001, filed 11/17/72.]

WAC 516-56-002 Applicability of housing and dining rules. The rules set forth in this chapter are applicable to and binding upon all persons utilizing WWSC housing and dining facilities. [Order 72-10, § 516-56-002, filed 11/17/72.]

WAC 516-56-010 Applications for residence halls and college apartments. All applications for space in housing must be made on the forms provided by the Housing Office. Applications for housing shall not be accepted unless the applicant is either (1) a new student who has been admitted to the college and has prepaid the advanced registration fee, or (2) a student presently enrolled at Western Washington State College, or (3) a student who has previously been enrolled at Western Washington State College, or (4) a member of faculty or staff. [Order 74-3, § 516-56-010, filed 3/13/74; Order 72-10, § 516-56-010, filed 11/17/72.]

WAC 516-56-011 Assignments to residence halls. In making assignments to residence halls, students already residing in the residence halls shall have first choice in the assignment of accommodations, and students who have lived in the residence halls for the longest period of time shall be given priority in such assignments. Exceptions to the assignment procedure may be made for minority groups where the program involved is recognized as a college project. [Order 72-10, § 516-56-011, filed 11/17/72.]

WAC 516-56-012 Assignments to college apartments. The Housing Office shall determine which individual applicants for college housing will have priority in receiving assignments to college apartments by utilizing a priority point system based on the following criteria:

(a) Students already living on campus shall be given priority points;

(b) Students already residing in a particular apartment shall be given priority points in terms of reassignment to that apartment;

(c) Priority points shall be awarded to students on the basis of their class level (e.g. graduate, senior, junior, sophomore, freshman);

(d) In determining assignments to four-person apartments, priority points will be given to applicant groups consisting of four students (as opposed to smaller groups). In determining assignments to two-person apartments, priority points will be given to applicant groups consisting of two persons. [Order 74-3, § 516-56-012, filed 3/13/74; Order 72-10, § 516-56-012, filed 11/17/72.]

WAC 516-56-020 Deposits. Upon acceptance of an assignment to a housing unit each assignee shall pay a reservation and/or damage-cleaning deposit for the unit in an amount established by and posted in the Office of the Director of Housing. Deadline for payment of the deposit is July 1 for fall quarter, and otherwise within two weeks after the assignment is made. The deposit will be refunded after termination of occupancy only if all charges for rent have been paid in full and there has been no unreasonable wear and tear of equipment in the housing unit. [Order 72-10, § 516-56-020, 11/17/72.]

WAC 516-56-021 Room and board payments. Room and board contracts may be offered to students on either a quarterly basis or an academic year basis. Charges for room and board shall begin on the official opening date of the residence halls, as announced. (1) Room Only contracts may be offered to those students living in the Fairhaven housing units.

(2) Board Only contracts may be sold to any student, faculty or staff member of Western Washington State College. [Order 72-10, § 516-56-021, filed 11/17/72.]

WAC 516-56-022 Apartment rentals. Apartments will be rented to students and staff on a quarterly or academic year basis. Rental of apartments for special conferences and seminars will be in accordance with the arrangements made by the Housing Office. Rent in all cases shall begin to accrue on the effective date of the contract. [Order 74-3, § 516-56-022, filed 3/13/74; Order 72-10, § 516-56-022, filed 11/17/72.]

WAC 516-56-023 Charges for damages. Persons assigned to college housing are responsible for keeping the apartments and rooms, together with their contents, free from damage. The cost of any damage or extra custodial service shall be charged to those to whom the apartments or rooms are assigned. Damage shall include the cost of replacing any college equipment or furniture

moved or taken from any building without written authorization of the Housing Office, and removal without such permission is prohibited. Bills for such damages shall be due upon demand. [Order 72-10, § 516-56-023, filed 11/17/72.]

WAC 516-56-030 Entry into rooms or apartments. The college respects the rights of the individual to his privacy. The college expressly reserves, however, the right of entry to any room or apartment (1) to make repairs (which shall include such right even in the absence of the tenant(s) when the repairs are requested by the tenant(s)), (2) where there are reasonable grounds to believe that a condition exists which may threaten the health, safety or welfare of persons or property within the building and (3) on the third day following a general announcement of intention to inspect physical facilities. [Order 72-10, § 516-56-030, filed 11/17/72.]

WAC 516-56-040 Refunds. (1) Rent for rooms, apartments or mobile homes is not refundable because of absence by the student regardless of reasons. If a student withdraws from a room, apartment, or mobile home prior to completion of his contract, the refund will be based upon a proration of his rent or room and board charges from the date of his withdrawal. No penalty for cancellation of contract shall be made if the student provides a suitable substitute who is acceptable to the Director of Housing. The substitute shall assume the remainder of the contract and such arrangement shall have been made on or before the day the student checks out.

(2) Unused board is refunded whenever a student withdraws from the residence hall. Daily refund for board may also be made for days missed providing the student has been compelled to be away from Bellingham for five or more consecutive days because of extenuating circumstances. Refunds shall not be granted for board if the student's board is paid for by another department of the college during his absence.

(3) Appeals from the assessment of rent upon withdrawal may be made to the Director of Housing. [Order 72-10, § 516-56-040, filed 11/17/72.]

WAC 516-56-050 Responsibility for personal property. The college assumes no responsibility for loss or damage to any resident's personal property. Students are expected to carry their own insurance on personal property. [Order 72-10, § 516-56-050, filed 11/17/72.]

WAC 516-56-060 Eligibility for occupancy. All students in college housing must maintain a minimum of seven credit hours per quarter. Any student dropping below the required hours will be required to move unless exception for good cause is granted by the Director of Housing. Exception may be granted for tenants who wish to remain in their units between quarters or staff employed at Western Washington State College. Tenants not meeting the above conditions shall be subject to immediate termination of occupancy as outlined in the

housing contracts. [Order 74-3, § 516-56-060, filed 3/13/74; Order 72-10, § 516-56-060, filed 11/17/72.]

WAC 516-56-070 Housing regulations—General. Occupants found in violation of any of the following regulations or the rules and regulations outlined in the "Residential Community" handbook and the "Guide to Students Rights and Responsibilities," copies of which are on file in the Housing Office, shall be given written notice to correct the violation. If correction is not made within ten days (or immediately if an emergency is held to exist), the tenant may be asked to vacate the property. Occupants evicted because of violation of the regulations or violation of the terms of their contract shall remain responsible for fulfilling their contracts unless released by the Director of Housing.

(1) The introduction or maintenance of pets, with the exception of small aquarium life, in any unit of college housing is prohibited except where a specific pet policy for a particular housing unit is approved by the Advisory Committee on Housing and Dining.

(2) Additions or alterations to a room or to any housing property are prohibited.

(3) Failure to pay charges when due shall (if unexcused by the Director of Housing) render the account delinquent. A charge equal to 10% of the amount due (not to exceed \$5.00) shall be assessed delinquent accounts. Delinquent accounts in excess of \$50.00 shall constitute grounds for cancellation of the contract and/or eviction.

Occupants may appeal to the Appeal Board established by the Advisory Committee on Housing and Dining from any adverse action taken by the college pursuant to the regulations referred to or set forth in this section. [Order 74-3, § 516-56-070, filed 3/13/74; Order 72-10, § 516-56-070, filed 11/17/72.]

WAC 516-56-080 Consolidation of facilities. An occupant may be required to move from his assigned space if vacancies require consolidation of facilities. [Order 72-10, § 516-56-080, filed 11/17/72.]

WAC 516-56-090 Guests. Overnight guests may stay in the residence halls on Friday and Saturday evenings, and during the week if their stay is in accordance with the policy established by the Interhall Council. [Order 72-10, § 516-56-090, filed 11/17/72.]

Chapter 516-60 WAC

ADMISSION AND REGISTRATION PROCEDURES

WAC

516-60-001	Catalog.
516-60-002	Changes in catalog.
516-60-003	Finances.
516-60-004	Refund of tuition and fees.
516-60-005	Residency classification.
516-60-006	Sanctions.
516-60-007	Health examination.
516-60-015	Registration.
516-60-016	Deadlines.
516-60-017	Changes in registration and withdrawal.
516-60-020	Admission general.

516-60-030 Admission of nonmatriculated students.

WAC 516-60-001 Catalog. All dates and procedures established by the Board of Trustees or President relating to admissions and registration shall be published annually in the appropriate College catalog and shall be considered contractual between the student and the College. [Order 72-10, § 516-60-001, filed 11/17/72.]

WAC 516-60-002 Changes in catalog. The Board of Trustees reserves the right of the Board of Trustees or President to make changes in any of the provisions of the College's catalogs without prior notice. When changes are made they shall be filed in the appropriate College offices and placed with the appropriate catalog in the reference area of the Library. [Order 72-10, § 516-60-002, filed 11/17/72.]

WAC 516-60-003 Finances. Each applicant for admission to Western Washington State College must pay the tuition and fees as established by the Board of Trustees or the President prior to the dates for payment as designated by the Board of Trustees or the President. [Order 72-10, § 516-60-003, filed 11/17/72.]

WAC 516-60-004 Refund of tuition and fees. Each student who is admitted shall be required to confirm his intention to enroll by submitting a nonrefundable prepayment on tuition and fees.

(1) Ordinarily, a student who withdraws prior to the sixth day of general instruction in a quarter will receive a full refund of tuition and fees (less the prepayment).

(2) A refund of one-half of tuition and fees (less prepayment) is made to a student who withdraws on or after the sixth day of general instruction, subject to the provisions of subsection (5).

(3) Students who, having paid part-time fees, add classes bringing their total to 7 or more credits, shall pay the difference between fees already paid and the full-time fee. Full-time students who drop classes so that their remaining total is 6 or fewer credits will receive a refund of either

(a) the difference between full and part-time fees, if the change is made before the sixth day of general instruction, or

(b) one-half such difference if the change is made on or after the sixth day of general instruction, subject to the provisions of subsection (5).

(4) Nonresident fees paid by a student who, subsequent to the first day of general instruction, is reclassified a resident student shall not be refunded, nor shall refunds be granted when reclassification is based upon a petition which is filed after registration.

(5) No refunds of tuition or fees shall in any case be made after the 30th day of general instruction. [Order 72-10, § 516-60-004, filed 11/17/72.]

WAC 516-60-005 Residency classification. Determination of residency status for fees and tuition purposes shall be made at the time of admission or readmission to Western Washington State College. A student tentatively classified as a nonresident shall be

notified of such classification. Should the student contest the classification, he may submit a petition to the Director of Admissions containing such information as the latter may require. If based on the evidence contained in this petition, the Director denies the petition, the student shall be notified. Should the student desire a further review, the Director shall forward the petition, together with any additional materials provided by the student, to the Office of the Attorney General for review. [Order 72-10, § 516-60-005, filed 11/17/72.]

WAC 516-60-006 Sanctions. Admission to or registration with the College, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the College. [Order 72-10, § 516-60-006, filed 11/17/72.]

WAC 516-60-007 Health examination. A health examination is required of all entering students prior to registration. Appropriate forms are sent to each student who accepts an offer of admission. Such forms must be completed and returned to the College by a licensed physician and must be based on an examination made within 90 days of enrollment. The protection of immunization is strongly urged and may be required at the discretion of the Health Service at student expense. [Order 72-10, § 516-60-007, filed 11/17/72.]

WAC 516-60-015 Registration. Currently enrolled students and all other individuals desiring to enroll in Western Washington State College shall do so on or before the pre-registration or registration dates designated by the Board of Trustees or President, which shall be published in the appropriate College catalog. No registration or pre-registration shall be accepted after the designated dates, provided that the Registrar may, whenever possible, waive this requirement within the time designated by the Board of Trustees or President for late registration. [Order 72-10, § 516-60-015, filed 11/17/72.]

WAC 516-60-016 Deadlines. All students registering with the College must meet those deadlines as established by the Board of Trustees or the President for registration. [Order 72-10, § 516-60-016, filed 11/17/72.]

WAC 516-60-017 Changes in registration and withdrawal. Students who wish to change their registration or withdraw from a particular course or the College after having completed their registration must do so on or before the dates established for such changes or withdrawal by the Board of Trustees or President as set forth in the College's catalog. Students may not enter new classes after the first week of instruction. Students who leave the College without formally withdrawing shall receive failing grades. Any withdrawal after the sixth week of instruction will normally result in failing grades provided that the Registrar may grant an exception where withdrawal is requested by the College, in cases of serious illness or call to extended active military duty or in

other highly extenuating circumstances. [Order 72-10, § 516-60-017, filed 11/17/72.]

WAC 516-60-020 Admission general. An applicant for admission shall be required to submit appropriate applications for admission and other required documents not later than the established deadlines. Failure to submit complete or accurate applications or credentials may result in denial of the application or in subsequent dismissal from the College. [Order 72-10, § 516-60-020, filed 11/17/72.]

WAC 516-60-030 Admission of nonmatriculated students. A nonmatriculated student does not enroll in the College to follow the requirements for the bachelor's degree or any other program leading to a degree, credential, or certificate. A nonmatriculated student is one whose educational goals are limited and who has been granted permission by the Director of Admissions to enroll for credit in college courses. Such permission implies no commitment on the part of the college in regard to later admission as a matriculated student. [Order 72-10, § 516-60-030, filed 11/17/72.]

Chapter 516-73 WAC POLICIES AND PROCEDURES FOR REDUCTION/REALLOCATION IN FORCE

WAC

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WAC 516-73-010 Introductory statement. This chapter consists of rules to govern reduction/reallocations in force at Western Washington State College.

Many American Colleges and Universities have entered a period of financial constraint so severe as to require the release of personnel who would ordinarily be retained.

Until recently personnel recommendations and decisions have generally reflected increasing allocations. Growth tended to obscure nonreappointments which have occurred through the years. Expansion created a climate where the normal expectation was of continuing appointment for the individual and growth of programs and units.

Current circumstances have dramatically changed this situation in ways which make nonrenewals more frequent, more difficult for the institution and more painful for individuals affected. Decisions not to renew contracts are not new experiences. The major difference is that WWSC and other institutions currently find themselves forced to allow some contracts to end solely because of loss of positions, without any adverse judgments of the persons involved. Two primary factors are always involved in personnel decisions; 1) the immediate and anticipated long term program needs of the institution, and 2) the competence and promise of personnel. In the rules set forth in this chapter the former factor is given an important role in personnel decision while the latter is considered only to the extent that the competence and promise of faculty members is reflected in tenure, rank, and academic degree.

The reduction/reallocation rules set forth herein provide that faculty position and personnel allocations will be based primarily upon recommendations originating in the college's academic units; the academic units are given initial responsibility for all position and personnel determinations.

These rules establish no single set of directives or criteria to guide or restrict recommendations of the academic units in accomplishing required reductions/reallocations. Each unit in accomplishing required reductions/reallocations. Each academic unit, when faced with the reduction/reallocation task, should

consider the full range of its options, and, using decision-making procedures which allow full participation by all teaching faculty members of the unit, should formulate recommendations based on an assessment of the best interests of the students who are to be educated and the anticipated educational program needs of the College. It is the intention of the Board that the termination of faculty members in accordance with the terms of this chapter shall be undertaken only in those instances where, in the opinion of the Board, the academic units and the administration are unable to devise viable alternatives to faculty layoffs.

The rules set forth herein make provision for adherence during the reduction/reallocation process to the goals and requirements of the College's Affirmative Action Program. [Order 74-7, § 516-73-010, filed 8/8/74.]

WAC 516-73-020 Purpose. The rules and procedures set forth herein are intended to achieve the following ends:

1) To establish and maintain orderly procedures for allocating resources among various academic units or subunits.

2) To provide members of the college community with an opportunity to participate in decisions relating to reductions/reallocations in force.

3) To provide maximum feasible notice in advance to faculty members who must be terminated from employment at Western Washington State College in connection with a reduction/reallocation in force.

4) To seek to minimize the distress of any faculty members who may be terminated in connection with the reduction/reallocation by assistance in securing reemployment. [Order 74-7, § 516-73-020, filed 8/8/74.]

WAC 516-73-030 Definitions. As used herein, the following terms shall have the indicated meanings:

1) "Reductions/Reallocations in force" shall refer to the reallocation of faculty positions among, and the reduction or consolidation in whole or in part of, academic units or subunits, and concomitant termination from employment or transfer of faculty members, necessitated by budgetary crisis, legislative mandate, or other cause.

2) "Academic unit" shall refer to a cluster college or academic department.

3) "Academic subunit," or "subunit of an academic unit" shall mean

(a) recognized programs of study within an academic unit;

(b) identifiable courses and subject areas within an academic unit;

(c) specialized areas of expertise which are necessary for faculty research and curricular development and implementation;

(d) recognized subdivisions of an academic discipline;

(e) other identifiable elements of the academic function.

4) "Termination from employment" or "termination" shall refer to

(a) mandatory partial reduction in assignment, or

(b) complete termination from employment. [Order 74-7, § 516-73-030, filed 8/8/74.]

WAC 516-73-040 Initiation of reduction/reallocation in force. The College President shall have the authority to request the Board of Trustees to initiate a reduction/reallocation resulting in reduction in force. Such a request shall be accompanied by a written statement of reasons why such action is necessary or appropriate. [Order 74-7, § 516-73-040, filed 8/8/74.]

WAC 516-73-050 Reallocation of full-time equivalent faculty positions among academic units—Development of proposals. 1) Whenever the Board determines that a reduction/reallocation resulting in reduction in force is or may be necessary or appropriate, the President will request the administration, the All-College Senate, the academic units, and all interested members of the college community to develop proposals concerning the reallocation of full-time equivalent faculty positions (FTE's) among the college's academic units.

2) All proposals concerning the reallocation of FTE's shall be submitted in writing to the President or his designee. The President may establish time limits within which all parties shall be required to submit their proposals.

Each party submitting a proposal should indicate the factors or criteria which have been considered and the reasons for the particular proposal. [Order 74-7, § 516-73-050, filed 8/8/74.]

WAC 516-73-055 Reallocation of full-time equivalent faculty positions among academic units—Hearing. The President or his designee may conduct a public hearing at which interested members of the college community will be allowed a reasonable opportunity orally to present information or opinions concerning the reallocation of FTE's among academic units. [Order 74-7, § 516-73-055, filed 8/8/74.]

WAC 516-73-060 Reallocation of full-time equivalent faculty positions among academic units—Recommendation by president or designee. After considering all available information, the President or his designee shall prepare a written recommendation for presentation to the Board. [Order 74-7, § 516-73-060, filed 8/8/74.]

WAC 516-73-065 Reallocation of full-time equivalent faculty positions among academic units—Determination by board. 1) The Board of Trustees will review the recommendation of the President and all other proposals which have been timely submitted and may request such other evidence or information as it may deem necessary or appropriate. At the conclusion of its review the Board will determine, in the exercise of its discretion,

(a) the manner in which FTE's should be reallocated among the college's academic units, and

(b) which particular academic units should be reduced or consolidated in whole or in part in connection with the reallocation.

2) The President will thereupon issue a written order directing the administration and the affected academic units to accomplish an appropriate reduction in the full-time equivalent faculty positions within each academic unit which have been reduced or consolidated. [Order 74-7, § 516-73-065, filed 8/8/74.]

WAC 516-73-080 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Alternatives in lieu of termination. 1) The Allocation Advisory Committee of the Academic Coordinating Commission (Advisory Committee) shall provide information to all affected academic units concerning possible alternative methods for reducing full-time equivalent faculty positions (FTE's) which do not require the actual layoff of faculty members.

2) In each instance in which the Board has ordered a reduction in an academic unit's FTE's, the teaching faculty members and the appropriate administrator (department chairman or dean) of that unit shall first attempt to formulate concrete and viable alternative methods for reducing the unit's FTE's which will minimize or eliminate the necessity of terminating the employment of faculty members belonging to the unit. [Order 74-7, § 516-73-080, filed 8/8/74.]

WAC 516-73-085 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Division of units into subunits. In those instances in which the academic unit is unable to accomplish the entire required reduction by means other than faculty layoffs, the administrator and faculty members of the unit shall proceed to

(a) divide the academic unit into academic subunits; and

(b) assign FTE's (or fractions thereof) to each subunit of the academic unit, provided that the total number of FTE's assigned to all subunits of an academic unit shall not exceed the total number of FTE's allocated to the academic unit by the Board. [Order 74-7, § 516-73-085, filed 8/8/74.]

WAC 516-73-090 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Written proposals prepared by units. Each academic unit shall forward to the Advisory Committee and to the Vice-President for Academic Affairs a written proposal (or proposals) for accomplishing the required reductions in the unit's full-time equivalent faculty positions and a written summary of the decisions reached and the actions taken by the unit pursuant to WAC 516-73-080(2) and 516-73-085, together with a statement of the reasons for those decisions and actions. [Order 74-7, § 516-73-090, filed 8/8/74.]

WAC 516-73-095 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Written proposals developed by vice-president for academic affairs. If an academic

unit affected by a reduction in force fails to develop and submit a written proposal in accordance with the provisions of WAC 516-73-080 through 516-73-090, the Vice President for Academic Affairs, in consultation with the Advisory Committee and the appropriate academic deans, shall develop a proposal for realizing the required reductions in the unit's full-time equivalent faculty positions. [Order 74-7, § 516-73-095, filed 8/8/74.]

WAC 516-73-100 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Review of proposals by advisory committee. 1) The Advisory Committee shall examine the proposals submitted by each academic unit, together with any objections or counter-proposals submitted by individual faculty members. The criteria utilized by the Advisory Committee in evaluating the proposals submitted shall include but not be limited to the following:

(a) whether the academic unit has acted arbitrarily, capriciously, or unreasonably in developing the proposals;

(b) whether the proposals themselves are practical and reasonable;

(c) whether the proposals might have a negative effect on college inter-departmental programs or on the college as a whole;

(d) whether the proposals, if implemented, will result in the required reductions in full-time equivalent faculty positions within the academic unit.

2) After completing its review, the Advisory Committee shall forward its findings and conclusions to the respective academic units and to the Vice-President for Academic Affairs. [Order 74-7, § 516-73-100, filed 8/8/74.]

WAC 516-73-105 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Recommendations by vice-president and president. The Vice-President for Academic Affairs shall consider all proposals and materials which have been submitted by the academic units, individual faculty members, and the Advisory Committee, and shall prepare a written recommendation for the President and the Board. This recommendation and all proposals and other documents which have been received will be reviewed by the President and forwarded, together with the comments and recommendations of the President, to the Board. [Order 74-7, § 516-73-105, filed 8/8/74.]

WAC 516-73-110 Procedure for accomplishing reductions in full-time equivalent faculty positions in particular academic units—Action by board. 1) After consideration of all materials submitted, the Board of Trustees will, in the exercise of its discretion,

(a) designate the specific manner in which each academic unit shall realize the required reductions in full-time equivalent faculty positions, and

(b) determine how many of each academic unit's faculty members, if any, must be terminated from employment.

(2) When appropriate, the Board will direct the President and the affected academic units to determine, in accordance with the procedures set forth in WAC 516-73-130 through 516-73-170, which particular faculty members must be terminated from employment. [Order 74-7, § 516-73-110, filed 8/8/74.]

WAC 516-73-130 Termination of faculty members from employment. In those instances in which the Board of Trustees requires an academic unit to terminate a faculty member (or faculty members) from employment, the procedures set forth in WAC 516-73-135 through 516-73-170 shall apply. [Order 74-7, § 516-73-130, filed 8/8/74.]

WAC 516-73-135 Qualification of individual faculty members for subunits. 1) If the Board has allocated full-time equivalent faculty positions (FTE's) among the various subunits of an affected academic unit, the Vice President for Academic Affairs, subject to the approval of the President and in consultation with the faculty members and the administrator of the unit, shall determine which individual faculty members (including faculty members on leaves of absence) are qualified on the basis of background, education, and experience to perform the duties, functions, and responsibilities required to maintain those subunits to which the Board has allocated FTE's (or fractions thereof).

2) It is possible some individuals may be qualified only in subunits which the Board has ordered to be eliminated; if it is determined that an individual faculty member is not qualified to perform the duties, functions, and responsibilities of any academic subunits to which the Board has allocated FTE's (or fractions thereof), that individual will be terminated from employment.

3) In those instances in which it is determined that the number of faculty members who are qualified to perform the duties, functions, and responsibilities of a particular academic subunit does not exceed the number of FTE's allocated to the subunit by the Board, those faculty members shall not be terminated from employment.

4) In each instance in which it is necessary to distinguish between faculty members who have been determined to be qualified only in subunits where the number of qualified faculty members exceeds the number of FTE's (or fractions thereof) allocated by the Board, the relative retention priority of each such faculty member shall be determined on the basis of the criteria set forth in WAC 516-73-145. [Order 74-7, § 516-73-135, filed 8/8/74.]

WAC 516-73-140 Terminations from units. If the Board has directed that terminations from an affected academic unit be made on the basis of the unit considered as a whole, then the relative retention priority of each faculty member of the unit will be determined on

the basis of the criteria set forth in WAC 516-73-145. [Order 74-7, § 516-73-140, filed 8/8/74.]

WAC 516-73-145 Retention priority criteria. 1) Subject to the conditions and exemptions set forth in WAC 516-73-135(2), 516-73-135(3) and 516-73-155, the following criteria shall be utilized in determining the relative retention priority of faculty members (including faculty members on leaves of absence) within an academic unit or subunit:

(a) tenured faculty members shall have priority over all untenured faculty members;

(b) between faculty members with equal tenure (or lack thereof), the faculty member with the highest rank shall have the greatest retention priority;

(c) between faculty members with equal tenure and equal rank, the faculty member who has obtained the highest academic degree appropriate to his or her academic duties at Western shall have the greatest retention priority;

(d) between faculty members with equal tenure, rank and academic degree, the faculty member who has the greatest seniority in rank shall have the highest retention priority;

(e) between faculty members with equal tenure, rank, academic degree, and seniority in rank, the faculty member who has the greatest total seniority shall have the highest retention priority;

(f) between faculty members of equal tenure, rank, academic degree, seniority in rank, and total seniority, the faculty member who has the greatest seniority in the highest academic degree appropriate to his or her academic duties at Western shall have the greatest retention priority.

2) "Seniority" for the purposes of this section shall be computed in the following manner:

(a) Service at Western Washington State College shall be counted in full;

(b) College and/or university service (and other academically-related experience as determined by the academic unit) prior to employment at Western shall be discounted 50%;

(c) Service at Western Washington State College shall be measured from the first day of classes of the first quarter of employment as a faculty member, which period shall include sabbatical leaves and leaves of absence spent on academic pursuits.

3) Faculty members with the least retention priority shall be the first to be terminated. [Order 74-7, § 516-73-145, filed 8/8/74.]

WAC 516-73-155 President's ability to prevent adverse impact on college's affirmative action program. In any instance where an application of the retention priority criteria in WAC 516-73-145 will have an adverse impact on the college's Affirmative Action Program, the President may award retention priority (which is sufficient to prevent such an adverse impact) to one or more female or minority faculty members. [Order 74-7, § 516-73-155, filed 8/8/74.]

WAC 516-73-160 Informal appeals. 1) Any faculty member who is aggrieved by a notice of termination may file a written appeal with the President. Such an appeal must be filed with the President within thirty days after receiving the notice of termination. The written appeal shall clearly indicate the basis for the faculty member's grievance. The President shall review the appeal on an informal basis and shall either uphold the previous decision of the college or order a revision or rescission of the previous action. If the President denies the appeal of a faculty member, he shall furnish to the faculty member a written statement indicating the reasons for the denial.

2) The President shall complete the informal review process and furnish a written response to the faculty member within 45 days after receiving the written appeal; provided, however, that upon the request of the President this time limit may be extended by the Board for an additional period not to exceed 45 days. If the President fails to comply with the time limit set forth in this section, the faculty member shall thereupon be entitled to request a formal administrative review of the appeal by the Board pursuant to WAC 516-73-165. [Order 74-7, § 516-73-160, filed 8/8/74.]

WAC 516-73-165 Formal administrative review. Any faculty member who is aggrieved by the informal decision of the President upholding the faculty member's termination shall be entitled to a formal administrative review of the matter by the Board in accordance with the provisions of chapter 28B.19 RCW and chapter 516-08 WAC. [Order 74-7, § 516-73-165, filed 8/8/74.]

WAC 516-73-170 Notice of termination. 1) Notice of termination from employment at Western Washington State College in connection with a reduction in force shall be given to affected faculty members by the President in accordance with the following guidelines:

(a) nontenured faculty members shall be notified in writing at least two (2) full academic quarters prior to the effective date of termination. The summer session shall not be considered as an academic quarter for purposes of this subsection.

(b) tenured faculty members shall be notified at least one academic year prior to the effective date of termination from employment. For purposes of this subsection, "one academic year" shall mean three (3) full academic quarters; the summer session may be considered a full academic quarter only if compensation for that session is augmented to total a full academic quarter's compensation.

2) A faculty member who files an appeal from a notice of termination shall be deemed to have received formal written notice of termination as of the date of receipt of the original notice, and not as of the date of the final decision on the appeal.

3) Individual faculty members who are partially "terminated" (i.e. required to take a partial reduction in assignment) in connection with a reduction/reallocation in force shall, if further reduced in assignment as a result of a subsequent reduction/reallocation in force, again be

given the full notice specified in this section. [Order 74-7, § 516-73-170, filed 8/8/74.]

WAC 516-73-190 Reemployment of faculty members—Reemployment within six months after termination. (1) Whenever a full-time equivalent faculty position (or portion thereof) becomes available in an academic unit from which there have been both reduction/reallocation terminations and faculty reductions in assignment and compensation based on participation in alternative methods of reduction in lieu of terminations, the position shall be utilized to reemploy terminated faculty members unless (1) a majority of the faculty members of the unit submit a request to the President that the position be allocated among the individuals taking reductions in connection with participation in alternative methods of reduction in lieu of terminations, and (2) the Board orders that the position be so allocated.

2) If a full-time equivalent faculty position (or portion thereof) becomes available for reemployment purposes in an academic subunit from which there have been one or more reduction/reallocation terminations, prior to the end of the sixth month after the effective date of the terminations, the position shall first be offered to faculty members terminated from the subunit; where two or more individuals have been terminated from the subunit, the individual having the greatest retention priority under the criteria set forth in WAC 516-73-145 shall be the first to be offered reemployment.

Subject to the provisions of the preceding paragraph, if a full-time equivalent faculty position, or portion thereof, becomes available for reemployment purposes in an academic unit from which there have been one or more reduction/reallocation terminations, prior to the end of the sixth month after the effective date of the terminations, the position shall be offered to faculty members terminated from the unit who are determined to be qualified for the position by the Vice President for Academic Affairs subject to the review of the President; where two or more individuals are determined to be qualified for the position by the Vice President for Academic Affairs, the individual having the greatest retention priority under the criteria set forth in WAC 516-73-145 shall be the first to be offered reemployment.

3) An individual who receives an offer of reemployment pursuant to this section must notify the Vice President for Academic Affairs in writing of acceptance or rejection of the offer within ten days after the date on which the offer is made. An individual who fails to respond to an offer of reemployment within the ten-day time limit will be deemed to have rejected the offer. [Order 74-7, § 516-73-190, filed 8/8/74.]

WAC 516-73-195 Reemployment of faculty members—Reemployment list. (1) The President shall establish and maintain for a period of four years a list of all faculty members terminated from employment in connection with a reduction/reallocation in force.

2) Subject to the provisions of WAC 516-73-190 and 516-73-200, the college will not fill a vacant faculty position by hiring an individual not on the reemployment list without first

(a) notifying in writing each faculty member on the reemployment list of the existence of the vacant position;

(b) permitting each individual on the list to apply for the vacant position;

(c) making a written offer of reemployment to each faculty member on the list who applies for the position and who is determined to be qualified for the position by the Vice President for Academic Affairs, subject to the review of the President.

(3) It is the responsibility of faculty members terminated from employment in connection with reductions/reallocations in force to notify the President of any changes in address.

(4) An individual on the reemployment list who wishes to apply for a vacant faculty position must submit an application to the Vice President for Academic Affairs within twenty days after receiving notice of the existence of the position. For purposes of this subsection, an individual will be deemed to have received notice of a position three days after the date on which the notice is mailed by the college.

5) A faculty member on the reemployment list who receives an offer of reemployment must notify the Vice President for Academic Affairs in writing of acceptance or rejection of the offer within ten days after the date on which the offer is made.

6) A faculty member on the reemployment list who fails to comply with the time limitations set forth in subsections 4) and 5) with regard to a particular vacant faculty position shall be deemed to have waived all right to be reemployed in that position.

7) Whenever two or more faculty members on the reemployment list are determined by the Vice President for Academic Affairs to be qualified for a vacant position, the position shall first be offered to the faculty member who is most highly qualified for the position. [Order 74-7, § 516-73-195, filed 8/8/74.]

WAC 516-73-200 Reemployment of faculty members—Subject to affirmative action requirements. The President may temporarily suspend the operation of WAC 516-73-190 and 516-73-195 where necessary in order to achieve or maintain compliance with federal, state, or college affirmative action guidelines, orders, goals, or regulations. [Order 74-7, § 516-73-200, filed 8/8/74.]

WAC 516-73-205 Reemployment of faculty members—Status of faculty member if reinstated into previously held position. A faculty member reinstated into the academic unit or subunit from which he was terminated in connection with a reduction/reallocation in force shall be reemployed at a rank and salary step (whichever is higher) no lower than that in which he was serving at the time of termination, and such an individual's service at Western prior to termination shall be counted in determining the individual's right to tenure,

sabbatical leave, and fringe benefits. [Order 74-7, § 516-73-205, filed 8/8/74.]

WAC 516-73-210 Assistance in securing other employment. The college community should make every effort to assist terminated faculty members to gain employment at other colleges and universities and elsewhere. [Order 74-7, § 516-73-210, filed 8/8/74.]