

need not be open to the public at large. The area is covered if it is open to all tenants, or any two tenants, or the owner and one or more tenants. In addition to public halls, public elevators and public washrooms, public areas include garbage disposal facilities, recreation facilities, laundry or other work areas, and open space. [Statutory Authority: RCW 49.60.120(3). 82-19-086 (Order 41), § 162-38-090, filed 9/22/82.]

WAC 162-38-100 Persons with dog guides. (1) **Are protected.** RCW 49.60.222 protects blind or deaf persons from discrimination because of their use of a trained dog guide the same as it protects them from discrimination directly because of handicap.

(2) **General rule.** The same rules that apply to the treatment of persons because of handicap under RCW 49.60.222 and this chapter apply to the treatment of blind or deaf persons because they use a trained dog guide.

(3) **Landlord's duty.** It is an unfair practice for a landlord to refuse to rent to a blind or deaf person because the person uses a trained dog guide. A landlord's no-pet policy cannot be applied to the dog guide of a blind or deaf person.

(4) **Cleaning or damage deposits not unfair.** It is not an unfair practice for a landlord to enforce on a blind or deaf tenant its standard cleaning or damage deposit for dogs. It is not an unfair practice for a landlord who otherwise doesn't allow dogs in the rented property to require a reasonable cleaning or damage deposit for the dog when renting to a deaf or blind person using a trained dog guide.

(5) **"Dog guide" defined.** For purposes of RCW 49.60.222 the term "dog guide", means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

"The term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind person or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."

(6) **Identification of trained dog guide.** A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known. [Statutory Authority: RCW 49.60.120(3). 82-19-086 (Order 41), § 162-38-100, filed 9/22/82.]

WAC 162-38-110 Inquiries to handicapped applicants. (1) **Statute.** RCW 49.60.222 includes the following as an unfair practice with respect to handicap:

"(6) To . . . make a . . . inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;"

(2) **Unfair practice.** It is an unfair practice under RCW 49.60.222(6) for a landlord to inquire into matters personal to a handicapped applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether a handicapped person is assisted by an aide, and when.

(3) **Reference to employment rules.** The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law. [Statutory Authority: RCW 49.60.120(3). 82-19-086 (Order 41), § 162-38-110, filed 9/22/82.]

WAC 162-38-120 Unfair to request or require waiver of rights. It is an unfair practice for any person as a condition of entering into or continuing a real estate transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a handicapped person. [Statutory Authority: RCW 49.60.120(3). 82-19-086 (Order 41), § 162-38-120, filed 9/22/82.]

Title 172 WAC

EASTERN WASHINGTON UNIVERSITY

Chapters

172-114	Constitution of associated students.
172-116	Traffic and parking regulations.
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Chapter 172-114 WAC

CONSTITUTION OF ASSOCIATED STUDENTS

WAC

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-114-100	Parliamentary authority. [Order 72-9, § 172-114-100, filed 9/20/72.] Repealed by 81-03-012 (Order 12-18-80), filed 1/9/81. Statutory Authority: RCW 28B.35.10[28B.35.120].
172-114-110	Amendments. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-110, filed 8/16/78; Order 74-5, § 172-114-

110, filed 6/5/74; Order 72-9, § 172-114-110, filed 9/20/72.] Repealed by 81-03-012 (Order 12-18-80), filed 1/9/81. Statutory Authority: RCW 28B.35.10[28B.35.120].

WAC 172-114-010 Preamble. We, the associated students of Eastern Washington University, in order to assume the responsibility and privileges of self-government; maintain an appreciation and understanding of democratic values and processes; strengthen the realization of student rights, responsibilities, and common interest with the community as a citizen; represent student interest, needs, and welfare; provide for the development to student fellowship and understanding; do ordain and establish this constitution, whose purpose it shall be to promote student affairs in cooperation with the board of trustees, administration, and faculty. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-010, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-010, filed 8/16/78; Order 72-9, § 172-114-010, filed 9/20/72.]

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

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

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

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

(c) "Instructor" means all persons hired by the university to conduct classroom activities. In certain situations a person may be both "student" and "instructor." Determination of status in a particular situation shall be determined by the pertinent facts.

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

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

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

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

(h) "Resident" is used to mean enrolled at the university.

(i) "Full time" is used to mean six credit hours or more.

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

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

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

(3) All students who are registered for one credit hour or more at Eastern Washington University shall be

members of this organization for the period of time covered by the fee. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-020, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-020, filed 8/16/78; Order 74-8, § 172-114-020, filed 11/1/74; Order 74-4, § 172-114-020, filed 1/24/74; Order 72-9, § 172-114-020, filed 9/20/72.]

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

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

(3) Education.

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

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

(c) Academic evaluation of student performance shall be neither prejudicial nor capricious. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisers, and counselors is confidential and is not to be disclosed to others unless under legal compulsion. Questions relating to intellectual or skills capacity are not subject to this section.

(4) Campus expression.

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

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

(c) Orderly picketing and other forms of peaceful protest are permitted on university premises. Interference with ingress to and egress from university facilities,

interruption of classes, or damage to property exceeds permissible limits.

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

(5) Campus organizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Publications.

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

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

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

(7) University government.

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

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

(c) On questions of education policy, students are entitled to a participatory function. Faculty-student committees shall be created to consider questions of policy affecting student life. Students shall be designated as members of standing and special committees concerned with university policy affecting academic and student affairs, including those concerned with curriculum, discipline, admissions, and allocation of student fees.

(8) Privacy.

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

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

imminent danger to life, safety, health, or property is reasonably feared.

(9) Student records.

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

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

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

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

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

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

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

(iv) Properly identified officials from federal, state, and local government agencies may be given the information required under legal compulsion.

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

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

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

(a) The student shall be informed, in writing, of the reasons for the proposed disciplinary action, including

charges, with sufficient time to ensure opportunity to prepare for the hearing.

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

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

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

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

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

(11) Procedural standards in student complaint proceedings. If students have complaints of infringement of their rights, they shall, on request, have a hearing. Minimum requirements of procedural due process for all persons shall include those in WAC 172-114-030(10) and:

(a) The university disciplinary committee shall include both faculty and student members.

(b) The decision of the university disciplinary committee should be final, subject only to the right of appeal by parties concerned.

(12) Dual membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority shall never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, shall be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-030, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-030, filed 8/16/78; Order 74-8, § 172-114-030, filed 11/1/74; Order 72-9, § 172-114-030, filed 9/20/72.]

WAC 172-114-040 Article III--Council. (1) The legislative powers of the ASEWU shall be vested in the ASEWU council and may not be transferred.

(2) Membership. The members of the ASEWU council shall consist of nine at-large council members, the ASEWU president, the ASEWU executive vice president, and the ASEWU finance vice president. The voting membership of the ASEWU council shall consist of the executive vice president and nine council members, elected by numbered, at-large positions for one year. The council members shall take office on the last day of the quarter in which they are elected, as follows:

Positions 1 through 3 elected fall quarter, positions 4 through 6 elected winter quarter, positions 7 through 9 elected spring quarter. No person shall hold more than one elected position on the council. The ASEWU president and ASEWU finance vice president shall have all council membership rights excluding voting.

(3) Meetings. The ASEWU council shall meet not less than four times during each quarter (excluding summer quarter), and special meetings may be called by the ASEWU executive vice president, by one-third of the council members, or by a presentation of a petition to the ASEWU council signed by five percent of the ASEWU. All meetings shall be open to the public. A record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(a) Quorum. The ASEWU council meetings shall have quorum being a majority of the ASEWU council members.

(b) Proxy voting. There shall be no proxy voting.

(4) Legislation. All legislation shall include: The names of the sponsor(s); date of introduction; committee referred to, if any, disposition and date of disposition; signature of the ASEWU executive vice president and the ASEWU president, or override of his/her veto by the ASEWU council; and shall continue in effect until five years from the last date of signature, an override, or until rescinded.

(5) Council powers and duties. The ASEWU council shall have the following policies and duties:

(a) The ASEWU council shall enforce this constitution.

(b) The ASEWU council shall serve as the official representative of ASEWU.

(c) The ASEWU council shall enact all legislation necessary to ensure that its policies are enforced.

(d) The budgeting authority of the ASEWU shall be vested in the ASEWU council and may not be transferred.

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

(ii) Regular budgets shall be those budgets adopted during spring quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year. Copies of the budgets shall be delivered to each member of the ASEWU council and be available to any member of the university community upon request.

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

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

(v) The ASEWU council shall publish an annual financial statement summarizing the regular ASEWU budget.

(vi) The ASEWU council may request an annual audit, provided it budgets for the same.

(e) By a two-thirds vote of the ASEWU council, the ASEWU council may override a veto by the ASEWU president.

(f) The ASEWU council shall be responsible for its own organization in the establishment and election of subcommittees and their membership. No ASEWU council subcommittee, having legislation referred to it, shall have the authority to delay presentation to the full council for more than two meetings without the permission of the sponsor.

(g) The ASEWU council shall be responsible for the employment of those employees it deems necessary to assist the council in the exercise of their council duties and powers, provided it budgets for the same. The appointment for such employment, presented by the ASEWU executive vice president, shall receive the advice and consent of the ASEWU council.

(h) Committees. The ASEWU council shall be responsible for student representation on all university committees, councils of the academic senate and their subcommittees, and ASEWU committees.

(i) Appointment to such committees, presented by the ASEWU president, shall receive the advice and consent of the ASEWU council.

(ii) Students appointed to these committees shall serve at the discretion of the ASEWU council.

(iii) All student appointments to these committees shall serve one year terms, beginning on the date of confirmation of the appointment and shall terminate one year after that appointment, unless otherwise specified in the committee structure.

(iv) Committees or committee chairpersons shall submit to the ASEWU a copy of all agendas and minutes.

(v) The ASEWU council shall publish the ASEWU committee manual stating the membership, eligibility, purpose, and duties of all committees with student representation.

(i) Election returns. The ASEWU council shall be the judge of all the ASEWU election returns and of the qualifications of its membership as prescribed in article IV of this constitution.

(j) ASEWU council positions shall be declared vacant:

(i) When ASEWU council members miss three full, regularly scheduled, consecutive meetings, or four regularly scheduled meetings during a quarter.

(ii) When ASEWU council members violate academic qualifications as described in article IV of this constitution.

(iii) Upon the incumbent's death, resignation, recall, or withdrawal from membership in ASEWU (excluding summer quarter).

(iv) By declaration of nonperformance of duties stated in this constitution by the ASEWU superior court.

(k) Chairperson pro tem. The ASEWU council shall elect an ASEWU at-large council member to the position of chairperson pro tem the second meeting of fall, winter, and spring quarters, who shall serve one quarter (excluding summer quarter). Vacancies occurring in the chairperson pro tem's office shall be filled in the same manner for the balance of the unexpired term.

(6) ASEWU president. The ASEWU president, serving as an ASEWU council member, shall act as the chief officer and representative spokesperson on behalf of the ASEWU council.

(a) The ASEWU president shall be responsible for executing council and judicial decisions.

(b) The ASEWU president may veto any legislative bill or supplemental budget passed by the ASEWU council within three working days of passage, shall sign all legislation within three working days of passage, or override of veto by the ASEWU council.

(c) The ASEWU president may create cabinet positions and appoint cabinet officers with the advice and consent of the ASEWU council, who shall serve at his/her discretion, provided it budgets for the same.

(d) The ASEWU president shall make appointments in an expeditious manner, with the advice and consent of the ASEWU council.

(e) The ASEWU president shall hold twice-a-month staff meetings with the ASEWU executive vice president, ASEWU finance vice president, provost for student service, ASEWU business manager, and coordinator of student activities.

(f) The ASEWU president or his/her designee shall supervise all ASEWU elections and shall be responsible for validating all positions.

(7) ASEWU executive vice president. The ASEWU executive vice president shall chair the ASEWU council, as a voting member.

(a) The ASEWU executive vice president shall assume other duties delegated by the ASEWU president.

(b) The ASEWU executive vice president shall prepare the agenda for and chair all meetings of the ASEWU council; shall call meetings of the ASEWU council; shall prepare a schedule of all regular meetings for fall, winter, and spring quarters with the advice and consent of the ASEWU council.

(c) The ASEWU executive vice president shall appoint a clerk, with the advice and consent of the ASEWU council.

(d) The ASEWU executive vice president shall be responsible for all administrative matters of the ASEWU council.

(e) The ASEWU executive vice president shall assume the duties of the ASEWU president during the president's absence or disability.

(8) ASEWU finance vice president. The ASEWU finance vice president shall be member of the ASEWU council.

(a) ASEWU finance vice president shall be responsible for the management of all ASEWU moneys and properties.

(b) ASEWU finance vice president shall supervise all expenditures of ASEWU funds.

(c) ASEWU finance vice president shall be a voting member and chair the finance subcommittee of the ASEWU council.

(d) ASEWU finance vice president shall present to the council a published financial statement each month summarizing ASEWU funds for that month.

(e) ASEWU finance vice president shall publish an annual budget book summarizing the upcoming year's budget requests and recommendations as well as budget requests and the budgeted amounts for the past five years.

(f) ASEWU finance vice president shall assume other duties delegated by the ASEWU president.

(9) Salaries. Elected and appointed members of the ASEWU shall be paid on the following basis.

(a) The ASEWU president shall receive a quarterly (12 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and four hundred dollars.

(b) The ASEWU executive vice president and the ASEWU finance vice president shall receive a quarterly (9 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and two hundred and fifty dollars.

(c) ASEWU cabinet members shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU executive vice president or the ASEWU finance vice president.

(d) The ASEWU council clerk and other ASEWU council employees shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU executive vice president or the ASEWU finance vice president.

(e) The ASEWU at-large council members may receive a quarterly salary not to exceed the in-state tuition rate, provided it budgets for the same.

(10) Vacancies.

(a) The positions of ASEWU council members, ASEWU president, ASEWU executive vice president, ASEWU finance vice president shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in ASEWU (excluding summer quarter for the ASEWU executive vice president, ASEWU finance vice president, and ASEWU council members), or declaration of nonperformance of duties stated in this constitution by the ASEWU superior court.

(b) In the case of a vacancy in the office of the ASEWU president, the ASEWU executive vice president shall assume the office of the ASEWU president to serve with full authority and power for the remainder of the unexpired term.

(c) In the case of a vacancy in the office of the ASEWU executive vice president, the council pro tem shall assume the office of the ASEWU executive vice

president to serve with full authority and power for the remainder of the unexpired term.

(d) In the case of a vacancy in office of the ASEWU finance vice president, the ASEWU president shall appoint, with the advice and consent of the ASEWU council, an ASEWU member to assume the office of ASEWU finance vice president to serve with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(e) In the case of a vacancy of a council position, the ASEWU president may recommend a member of ASEWU to fill the vacant position with a 3/4 (three-fourths) vote approval by the ASEWU council. The appointee shall take office immediately upon approval of the ASEWU council, and serve until the regularly scheduled election.

(11) Terms.

(a) The terms of the ASEWU president and the ASEWU executive vice president shall be for one year and shall be elected winter quarter and take office the last day of winter quarter.

(b) The term of the ASEWU finance vice president shall be for one academic year and one quarter (excluding summer quarter), taking office the last day of winter quarter to the last day of spring quarter. During the overlapping terms of the outgoing and incoming of the ASEWU finance vice president, it shall be the duty of the incumbent ASEWU finance vice president to prepare and present a proposed budget for ASEWU to the ASEWU council. The incoming ASEWU finance vice president shall have no authority or power to execute transactions during this overlapping period. It shall be the duty of the incumbent ASEWU financial vice president to serve as chair of the finance subcommittee of the ASEWU council. The incoming ASEWU finance vice president shall serve as a member of the ASEWU council and the finance subcommittee of the ASEWU council. [Statutory Authority: RCW 28B.35.120. 82-22-001 (Order 82-03), § 172-114-040, filed 10/21/82. Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-040, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-040, filed 8/16/78; Order 75-8, § 172-114-040, filed 7/24/75; Order 75-5, § 172-114-040, filed 5/9/75; Order 74-8, § 172-114-040, filed 11/1/74; Order 74-5, § 172-114-040, filed 6/5/74; Order 72-9, § 172-114-040, filed 9/20/72.]

WAC 172-114-050 Article IV--Elections. (1) Election schedule. Filing shall open on the fifth Thursday of fall, winter, and spring quarters. Filing shall close on the sixth Thursday, the ASEWU primary election shall be on the seventh Thursday, and the ASEWU general election on the eighth Thursday.

(2) Qualifications for office.

(a) All candidates for and members of the ASEWU council shall have/maintain a two point cumulative grade point average at the university and be enrolled for, and complete, six credit hours the previous quarter (excluding summer quarter).

(b) Candidates for ASEWU council at-large positions shall have at least one quarter in residence at the university immediately prior to election of office.

(c) Candidates for ASEWU president, executive vice president, and finance vice president shall have a minimum of three quarters as a full-time student at a higher education institution, at least one of which shall be in residence at the university immediately prior to election of office.

(3) Filing.

(a) Those candidates filing for office, and are qualified at such time, shall have their names entered on the primary election ballot.

(b) A random selection drawing will determine the order of candidate placement on the ballot.

(4) Polling places.

(a) The polls shall be located at:

(i) Pence Union Building.

(ii) Tawanka Commons.

(iii) And as otherwise provided by the ASEWU council.

(b) The polls shall be open from 7:30 a.m. until 7:00 p.m., and members of ASEWU shall be allowed to vote upon presentation of suitable identification.

(c) Two election clerks shall be assigned to each polling place, and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling places. They may not be, or related to, a candidate. They shall be employed through the office of the ASEWU president.

(d) Any member of ASEWU may present an "Application of Absent Voter" form to the office of the ASEWU president.

(5) Votes cast.

(a) All votes shall be cast by secret ballot.

(b) All ballots shall be kept under lock and key for six months after the election.

(c) All members of ASEWU shall be allowed to vote once in an election.

(6) Interpretation of results.

(a) A candidate is elected to office when receiving a plurality of votes cast, that being at least forty percent.

(b) The two candidates receiving the highest number of votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot: *Provided, however,* That in case of a tie for the second highest number of votes for that office, who are qualified, shall have their names entered on the final election ballot.

Write-in candidates shall have the option of removing their names from the ballot.

(c) Should no candidate receive a plurality of at least forty percent in the final election, a run-off election shall be held one week after the final election between the two persons receiving the highest number of votes in the final election, who are qualified, and only ballots for those two persons shall be counted: *Provided, however,* That in case of a tie for the second highest number of votes in the final election, the run-off election shall be between those candidates receiving the highest number

of votes for the office, and only ballots for those candidates shall be counted.

(d) Should no candidate receive a plurality of at least forty percent in a run-off election, the ASEWU council shall select the winner from between those entered on the run-off election ballot, by a two-thirds majority of the council members at its next meeting. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-050, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-050, filed 8/16/78; Order 75-8, § 172-114-050, filed 7/24/75; Order 75-5, § 172-114-050, filed 5/9/75; Order 74-8, § 172-114-050, filed 11/1/74; Order 74-5, § 172-114-050, filed 6/5/74; Order 72-9, § 172-114-050, filed 9/20/72.]

WAC 172-114-060 Article V--Judicial. (1) The judicial authority of the ASEWU shall be vested in an ASEWU superior court and such lesser courts as the ASEWU council may establish.

(2) Requirements. The judges, both of the ASEWU superior and lesser courts, shall be members of the ASEWU, have/maintain a two point cumulative grade point average, and be enrolled for and complete six credit hours in the previous quarter (excluding summer quarter).

(3) Term of office. Members of the ASEWU superior and lesser courts shall serve until they resign, cease to be a member of ASEWU (excluding summer quarter), or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths of the ASEWU council members and tried by the university disciplinary committee.

(4) Powers. The ASEWU superior court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of judicial review.

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

(6) Membership. The ASEWU superior court shall consist of seven justices who shall select from its members one who shall serve as ASEWU chief justice, the others serving as associate justices.

(7) Chief justice. It shall be the duty of the ASEWU chief justice to preside as chairman and chief officer at all meetings of the ASEWU superior court. The ASEWU chief justice may appoint a court clerk and other assistants who may be beneficial to the functioning of the ASEWU superior court, with the advice and consent of the ASEWU council, and to request salaries for the same.

(8) Appointment. The members of the ASEWU superior court shall be appointed by the ASEWU president with the advice and consent of the ASEWU council. Vacancies shall be filled in the same manner.

(9) Judicial procedure. The procedure of the judicial shall follow those principles of the United States law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All

decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all ASEWU superior court case records and court decisions and opinions shall be maintained in the university library.

(10) The ASEWU superior court and lesser courts shall hear all cases and render opinions in as expeditious a manner as possible. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-060, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-060, filed 8/16/78; Order 75-8, § 172-114-060, filed 7/24/75; Order 74-8, § 172-114-060, filed 11/1/74; Order 74-5, § 172-114-060, filed 6/5/74; Order 72-9, § 172-114-060, filed 9/20/72.]

WAC 172-114-070 Article VI--Rescind, recall, initiative, referendum, and inspection of records. (1) Upon receiving a petition signed by at least ten percent of the members of the ASEWU, any act of any official, committee, or organization existing under the ASEWU may be rescinded or amended as described in subsection (5) of this section.

(2) Upon receiving a petition signed by at least ten percent of the members of ASEWU, any elected official of the ASEWU may be recalled as described in subsection (5) of this section.

(3) Upon receiving a petition signed by at least ten percent of the members of ASEWU, the ASEWU council shall provide for an initiative as described in subsections (5) and (6) of this section.

(4) The ASEWU council shall provide for a referendum vote whenever a majority of the legislators approve the presentation of such as described in subsection (5) and (6) of this section.

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

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

(7) All official documents shall be open for public inspection. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-070, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-070, filed 8/16/78; Order 72-9, § 172-114-070, filed 9/20/72.]

WAC 172-114-080 Article VII--Parliamentary authority. For procedures not covered by the ASEWU constitution, by-laws, and special rules, the latest edition of *Robert's Rules of Order, Newly Revised*, shall govern. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-080, filed 1/9/81; Order 74-8, § 172-114-080, filed 11/1/74; Order 72-9, § 172-114-080, filed 9/20/72.]

WAC 172-114-090 Article VIII--Amendments. (1) This constitution may be amended by a two-thirds vote of those voting on the proposed modification at any regular election, provided that ten percent of the members of ASEWU vote in that election. If adopted, it shall become effective upon approval, as prescribed under Administrative Procedure Act hearing rules, by the board of trustees.

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

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

(4) Proposed by-law amendments shall be presented to the members of the ASEWU for approval upon the request of at least one-half of the voting members of the ASEWU council or at least ten percent of the members of the ASEWU.

(5) Approved constitutional and by-law amendments shall be incorporated into the article, section, and clause of the constitution or by-laws to which they refer. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-03-012 (Order 12-18-80), § 172-114-090, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-090, filed 8/16/78; Order 74-8, § 172-114-090, filed 11/1/74; Order 74-5, § 172-114-090, filed 6/5/74; Order 72-9, § 172-114-090, filed 9/20/72.]

WAC 172-114-100 Repealed. See disposition at beginning of this chapter.

WAC 172-114-110 Repealed. See disposition at beginning of this chapter.

Chapter 172-116 WAC

TRAFFIC AND PARKING REGULATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-116-100	Allocation of parking space and priorities of applicants. [Order 75-4, § 172-116-100, filed 4/10/75; Order 72-10, § 172-116-100, filed 9/20/72.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.
172-116-120	Student permits. [Order 72-10, § 172-116-120, filed 9/20/72.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.
172-116-185	Special events parking. [Order 75-4, § 172-116-185, filed 4/10/75.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.

WAC 172-116-010 Introduction. The rules and regulations provided in this chapter have been established by the board of trustees of Eastern Washington University acting on behalf of Eastern Washington University to govern pedestrian traffic and vehicular traffic and parking upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington University. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-010, filed 3/15/82; Order 72-10, § 172-116-010, filed 9/20/72.]

WAC 172-116-015 Definitions. (1) **Motor vehicle:** Every vehicle which is self-propelled.

(2) **Motorcycle:** A motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.

(3) **Motor scooter:** A motor driven vehicle with two wheels less than 18 inches in diameter.

(4) **Decal:** Either a decal sticker or guest, service permit.

(5) **Parking services:** Office of parking services is same as office of campus safety.

(6) **Parking supervisor:** Parking supervisor is same as director of parking services.

(7) **Campus police:** Office of campus police is same as office of campus safety.

(8) **Chief of police:** Chief of campus police or chief of campus safety.

(9) **Citation:** May be a parking citation or a misdemeanor citation. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-015, filed 3/15/82.]

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

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

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

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

(4) To provide funds to obtain and maintain suitable campus parking and traffic facilities. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-020, filed 3/15/82; Order 74-1, § 172-116-020, filed 1/24/74; Order 72-10, § 172-116-020, filed 9/20/72.]

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

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

(2) Special regulations set forth in this chapter. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-030, filed 3/15/82; Order 72-10, § 172-116-030, filed 9/20/72.]

WAC 172-116-040 Authority of officers. The employees of the Eastern Washington University office of campus police when duly sworn shall be peace officers of the state of Washington and have such police powers as are vested in sheriffs and peace officers generally under the laws of the state of Washington pursuant to RCW 28B.10.550, 28B.10.555, and by board resolution through which the board of trustees of Eastern Washington University did commission campus safety officers as peace officers of the state of Washington. Noncommissioned personnel of Eastern Washington University parking services shall have authority to enforce traffic and parking regulations on state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington University. All action and decisions of noncommissioned personnel in the enforcement of traffic and parking regulations are subject to administrative review and approval. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-040, filed 3/15/82; Order 75-4, § 172-116-040, filed 4/10/75; Order 74-1, §

172-116-040, filed 1/24/74; Order 72-10, § 172-116-040, filed 9/20/72.]

WAC 172-116-050 Permits required to park on university property. Except as provided in subsections (1), (2), and (4) of this section, no vehicle shall park upon the land of Eastern Washington University without a permit issued by the parking supervisor or his authorized designee pursuant to the authority granted by the board of trustees of Eastern Washington University.

(1) Visitors shall secure a guest parking permit from the office of parking services, or park in metered spaces. Visitor parking fees may be established by the university.

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

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

(4) Any vehicle, parking in a university parking lot which requires cash payment to park or which has been set aside for free parking, is not required to display a university parking permit.

(5) No parking permit shall be issued to any person who owes fines or fees under these regulations. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-050, filed 3/15/82; Order 75-4, § 172-116-050, filed 4/10/75; Order 72-10, § 172-116-050, filed 9/20/72.]

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

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

(2) A guest permit shall consist of a card issued by the office of parking services. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-060, filed 3/15/82; Order 72-10, § 172-116-060, filed 9/20/72.]

WAC 172-116-080 Display of permits. The parking permit will be placed as per instructions on the decal. Guest permits shall be displayed as per instructions.

(1) Permits not displayed as per instructions shall not be valid.

(2) Vehicles using straight-in or diagonal parking spaces shall park with the front of the vehicle headed into said spaces or toward the curb. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-080, filed 3/15/82; Order 75-4, § 172-116-080, filed 4/10/75; Order 72-10, § 172-116-080, filed 9/20/72.]

WAC 172-116-090 Responsibility of persons to whom permits are issued. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the

vehicle for which the permit was issued and to which it was affixed. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-090, filed 3/15/82; Order 72-10, § 172-116-090, filed 9/20/72.]

WAC 172-116-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 172-116-110 Student, faculty, and staff permits.

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

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

(3) Students, faculty, and staff may purchase duplicate decals for additional vehicles, but only one decal vehicle may park in the parking lot for which the decal was purchased. Such additional permits shall be issued for a handling fee. Violators of this section will be subject to a fine. All vehicles involved are subject to a fine. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-110, filed 3/15/82; Order 75-4, § 172-116-110, filed 4/10/75; Order 74-1, § 172-116-110, filed 1/24/74; Order 72-10, § 172-116-110, filed 9/20/72.]

WAC 172-116-120 Repealed. See Disposition Table at beginning of this chapter.

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

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

(2) The parking supervisor or his designee will authorize all handicapped permits. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-130, filed 3/15/82; Order 72-10, § 172-116-130, filed 9/20/72.]

WAC 172-116-140 Special permits. Students, faculty, and staff may be issued special permits authorizing parking in any campus lot. Special permits shall be on a "space available" basis only, and do not authorize parking in a reserved or handicapped space or stall. Applications for special permits shall be approved by the

director of planning and budgeting services or his designee. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-140, filed 3/15/82; Order 75-4, § 172-116-140, filed 4/10/75; Order 74-1, § 172-116-140, filed 1/24/74; Order 72-10, § 172-116-140, filed 9/20/72.]

WAC 172-116-150 Visitors' permits. Guests, visitors, salesmen, servicemen, vendor representatives, and others doing business with the institution may be issued visitors' permits allowing them to park in designated lots on campus. A fee may be charged.

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

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

(3) Visitors' permits shall be in the form provided in WAC 172-116-060(2). [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-150, filed 3/15/82; Order 75-4, § 172-116-150, filed 4/10/75; Order 72-10, § 172-116-150, filed 9/20/72.]

WAC 172-116-160 Car pool permits. Duplicate parking permits shall be issued to each car but shall not exceed five in number for each pool. A fee is assessed for each duplicate issued. At no time shall more than one vehicle bearing the decal number be parked in the lot for which the decal was purchased. Duplicate permits shall be purchased and signed for by the purchaser of the original decal. Violation of this section will be subject to a fine. All vehicles involved are subject to a fine. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-160, filed 3/15/82; Order 75-4, § 172-116-160, filed 4/10/75; Order 72-10, § 172-116-160, filed 9/20/72.]

WAC 172-116-170 Permit revocations. Parking permits are the property of the university and may be recalled, revoked, or suspended for violation(s) of any provision of the following. Citations may be issued for violations.

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

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

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

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

(5) Counterfeiting or altering of parking permits shall be grounds for permit revocation and subjects the offender to a citation. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-170, filed 3/15/82; Order 72-10, § 172-116-170, filed 9/20/72.]

WAC 172-116-175 Hearing provided. Cancellation or revocation of any parking permit because of any of

the causes stated in WAC 172-116-170(2) through (5) may be appealed to the parking supervisor. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-175, filed 3/15/82; Order 72-10, § 172-116-175, filed 9/20/72.]

WAC 172-116-185 Repealed. See Disposition Table at beginning of this chapter.

WAC 172-116-190 Parking areas on campus. Each authorized parking lot on the Eastern Washington University campus shall be designated as such by a sign proclaiming that it is a parking lot and that only registered vehicles shall be allowed to park therein, excepting those lots requiring cash payments or special events parking. Each lot will be given a separate and distinguishing number or letter, and only vehicles assigned to that lot shall be allowed to park therein, except as provided in WAC 172-116-050(4) and 172-116-140. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-190, filed 3/15/82; Order 72-10, § 172-116-190, filed 9/20/72.]

WAC 172-116-200 Prohibited areas. No vehicle shall be parked in any driveway, emergency access, sidewalk, lawn, or any other area not designated as a parking lot. Unless otherwise provided for, no vehicle shall be parked within sixteen feet of any building or structure on the Eastern Washington University campus or in any area where a "No Parking Service Drive" sign is posted. Loading and unloading permits are available at the office of campus safety. Violation of the above may result in vehicle being removed at owner's expense. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-200, filed 3/15/82; Order 72-10, § 172-116-200, filed 9/20/72.]

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

(2) Certain areas may be set aside for the parking of compact vehicles and shall be so designated. Any other vehicle using such a space shall be subject to citation(s), impound, or both. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-210, filed 3/15/82; Order 72-10, § 172-116-210, filed 9/20/72.]

WAC 172-116-220 Abandoned, disabled, and inoperative vehicles. No disabled or inoperative vehicle shall be parked on the campus (without a decal) for a period in excess of twenty-four hours. Vehicles which have been parked for periods in excess of twenty-four hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the university

nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-220, filed 3/15/82; Order 72-10, § 172-116-220, filed 9/20/72.]

WAC 172-116-230 Impounding or immobilizing illegally parked vehicles. The parking supervisor or his authorized designee may order the impound and storage of, or immobilization of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped space, or having unpaid citations against said vehicle. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. The owner or operator of the impounded vehicles shall not recover his vehicle until he has made arrangements with the parking supervisor. Neither the university nor its employees or representatives shall be liable for loss or damage of any kind resulting from such impounding, storage, or immobilization. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-230, filed 3/15/82; Order 75-4, § 172-116-230, filed 4/10/75; Order 74-1, § 172-116-230, filed 1/24/74; Order 72-10, § 172-116-230, filed 9/20/72.]

WAC 172-116-240 Liability of university. The university assumes no liability for vehicles parked on university properties. The university rents space to individuals desiring to park on the campus and who purchase a parking permit. However, no bailment is created by the purchase of a permit. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-240, filed 3/15/82; Order 72-10, § 172-116-240, filed 9/20/72.]

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

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

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

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

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

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

(6) Parking vehicles registered for student, faculty, or staff in a space or stall reserved for metered parking without paying meter fee.

Vehicles in violation of one or more of these rules and regulations shall be subject to citation on one or more of the violations and may be given more than one citation.

The fact that that particular violation does not appear in this section, shall not be construed to mean that a violation of any of the remainder of the rules contained in this chapter does not exist, and shall not invalidate the citation lawfully issued under these rules, or be a defense for the appeal of the citation or limit the culpability of the person to whom the citation is issued. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-250, filed 3/15/82; Order 74-1, § 172-116-250, filed 1/24/74; Order 72-10, § 172-116-250, filed 9/20/72.]

WAC 172-116-260 Regulatory signs. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees posted by the university. Drivers of vehicles shall also comply with directions given them by the parking services officers or other representatives of the office of campus police in the control and regulations of traffic and parking. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-260, filed 3/15/82; Order 72-10, § 172-116-260, filed 9/20/72.]

WAC 172-116-270 Rules and regulations available. These rules and regulations shall be made available at the university information center and other appropriate locations on campus and shall be available in abbreviated form to all persons securing a parking permit at Eastern Washington University. Not being familiar with, or ignorance of one or more of these rules and regulations shall not constitute a defense for violation of a rule or regulation and shall not limit the culpability of a person to whom the violation citation is issued. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-270, filed 3/15/82; Order 75-4, § 172-116-270, filed 4/10/75; Order 72-10, § 172-116-270, filed 9/20/72.]

WAC 172-116-280 Special traffic and parking regulations and restrictions authorized. During emergencies, special events or extenuating circumstances the parking supervisor or chief of campus police or their designee are authorized to impose additional traffic and parking regulations or modify the existing rules and regulations. Emergencies, special events, and extenuating circumstances will be determined by the parking supervisor or chief of campus police. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-280, filed 3/15/82; Order 75-4, § 172-116-280, filed 4/10/75; Order 72-10, § 172-116-280, filed 9/20/72.]

WAC 172-116-300 Fees. All faculty, staff, and student vehicles shall be issued parking permits upon payment of fees as approved by the board of trustees. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-300, filed 3/15/82; Order 75-4, § 172-116-300, filed 4/10/75; Order 72-10, § 172-116-300, filed 9/20/72.]

WAC 172-116-310 Fines. All fines will be paid at the office of campus safety, between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday. Fines shall be applied as approved by the board of trustees.

(1) Class A citations shall include: Parking in safety zones, handicapped spaces, reserved zones, service drives, bus zones, within fifteen feet of a fire hydrant, or altering or misuse of parking permit.

(2) Class B citations shall include: No parking permit, no valid permit, parked in no parking area, at expired meter, at/or over yellow curb/line, in wrong lot, in driveway, in loading zone, in visitor zone, on lawn or sidewalk, motorcycle off pavement, motorcycle in car space, vehicle immobilized, vehicle impounded, other violations as indicated.

(3) Fines for parking citations referred to EWU appeals board shall be at the rate determined by the members of said board and payable to campus safety.

(4) Fines levied on persons by the EWU appeals board upon appeal by the person to whom the citation was issued shall not exceed such fines as determined by the board of trustees. Said fines are payable at the office of campus safety.

(5) The parking supervisor or his designee is permitted to reduce or dismiss fines where mitigating circumstances are evident. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-310, filed 3/15/82; Order 75-4, § 172-116-310, filed 4/10/75; Order 74-1, § 172-116-310, filed 1/24/74; Order 72-10, § 172-116-310, filed 9/20/72.]

WAC 172-116-315 Citation appeal. Persons may appeal citations to the Eastern Washington University appeals board within seven calendar days of issuance of citations. The purpose of the board is to hear all appeals from all sectors of the campus community on an equal basis, to act on all appeals in an equitable fashion. The appeals board shall consist of voting members from the following groups: Associated students, classified staff, faculty, administrative exempt. The parking supervisor will act as a parking consultant to the board and vote only to break a tie. The board will meet one day a week, with additional hearings as are necessary. All results of the appeal board hearings will be posted on campus. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-315, filed 3/15/82; Order 75-4, § 172-116-315, filed 4/10/75.]

WAC 172-116-320 Nonpayment of fines. Nonpayment of fines is subject to collection methods used by parking services and the university. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-320, filed 3/15/82; Order 75-4, § 172-116-320, filed 4/10/75; Order 72-10, § 172-116-320, filed 9/20/72.]

WAC 172-116-330 Disposition of fees and fines. The director of planning and budgeting services shall deposit all proceeds from fees and fines collected pursuant to these regulations in the parking fund of the university. All costs of operating, maintaining, and

patrolling the campus parking lots and all direct costs of administering these regulations shall be charged against this fund. The director of planning and budgeting services shall make an annual report of the surplus of revenue over expenses to the president. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-330, filed 3/15/82; Order 72-10, § 172-116-330, filed 9/20/72.]

WAC 172-116-340 Refunds. Refunds or fees shall be made in accordance with the schedules as approved from time to time, by the board of trustees. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-340, filed 3/15/82; Order 75-4, § 172-116-340, filed 4/10/75; Order 72-10, § 172-116-340, filed 9/20/72.]

WAC 172-116-345 Motor scooters--Bikes. Shall park in their designated areas as posted. [Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-345, filed 3/15/82.]

Chapter 172-120 WAC STUDENT CONDUCT CODE

WAC

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WAC 172-120-010 Introduction. The board of trustees of Eastern Washington University has the authority and obligation to adopt regulations for the governance of the university for the purpose of providing educational opportunities to its students, transmitting and advancing knowledge and to providing a wide range of services to both students and the general public. To carry out these responsibilities, the university requires a community free from violence, threats, and intimidation; protective of free inquiry, respectful of the rights of others; open to change; supportive of democratic and lawful procedures; and dedicated to the rational and orderly approach to the resolution of human problems. To safeguard the rights, opportunities, and welfare of students, faculty, staff and guests of the university community, and to assure protection of the interests of the university as it seeks to carry out its mission on behalf of the citizens of the state of Washington, certain minimum standards of conduct become necessary. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-010, filed 2/25/81; Order 72-10, § 172-120-010, filed 5/12/72.]

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

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

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

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

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

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

(6) The university has an obligation to support and be guided by laws of the land. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-020, filed 2/25/81; Order 72-2, § 172-120-020, filed 5/12/72.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) All attempts to perform acts of misconduct prohibited by this section shall also be subject to disciplinary action. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-040, filed 2/25/81; Order 72-2, § 172-120-040, filed 5/12/72.]

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

(1) Minor disciplinary sanction:

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

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

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

(d) Disciplinary probation: Formal action placing condition upon the student's continued attendance for

violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions, such as limiting the student's participation in university related privileged or extra-curricular activities. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the university. Disciplinary probation shall be for a specified term not to exceed one year of academic enrollment at Eastern Washington University.

(e) Restitution: Reimbursement for damage or destruction to the property of the university or others. This may take the form of appropriate service or other compensation. Failure to make arrangements to pay will result in cancellation of the student's registration and will prevent the student from re-registration.

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

(2) Major disciplinary sanction:

Suspension: Exclusion from classes and other privileges or activities as set forth in a written notice not to exceed twenty-four months. Conditions of readmission shall be stated in the order of suspension. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-050, filed 2/25/81; Order 72-2, § 172-120-050, filed 5/12/72.]

WAC 172-120-060 Discipline functionaries. (1)

University disciplinary officer:

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

(2) University disciplinary committee:

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

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

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

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

(d) Six voting members constitute a quorum.

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

(f) No member of the disciplinary committee shall participate in any case in which they are a defendant, complainant, or witness, in which they have a direct or personal interest or bias, or in which they have acted previously in an advisory or adjudicatory capacity. A committee member's eligibility to participate in a case may be challenged by parties to the case or by other committee members, but decisions in this regard shall be made by the committee as a whole.

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

(3) Student courts:

Student courts, the associated students superior court and those established by the associated students legislature as lesser courts to the associated students superior court, may act on such internal disciplinary problems as they feel competent to deal with effectively. If the student court is inoperative, or if it decides to do so, the student court may refer cases involving alleged violations of rules upon which that court may extend jurisdiction to the university disciplinary officer or the university disciplinary committee. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-060, filed 2/25/81; Order 72-2, § 172-120-060, filed 5/12/72.]

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

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

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

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

The university disciplinary committee shall have appellate jurisdiction in those situations where the student has appealed from the imposition of a disciplinary action by the university disciplinary officer or by a student

court. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-070, filed 2/25/81; Order 76-9-1, § 172-120-070, filed 9/23/76; Order 72-2, § 172-120-070, filed 5/12/72.]

WAC 172-120-080 Authority of university disciplinary officer. When the university disciplinary officer receives a complaint against a student for a violation of the code, the disciplinary officer will explain to the complainant their rights under the student conduct code and possible avenues of action which the complainant has against the student, including reference to remedies under civil law as well as possible remedies under the student code. If the university disciplinary officer decides to initiate a disciplinary proceeding against the student the disciplinary officer will then call the student charged for an initial conference. At this time, the university disciplinary officer will provide the accused student with a written list of the charges, and will explain the student's rights under the student code and what possible ramifications may occur under civil law, if any. The disciplinary officer will further explain the disciplinary procedures and possible penalties under the student code and advise the student that the student must, within twenty-four hours after receipt of this explanation, decide whether the student wishes to have the case heard by the university disciplinary officer, or by the university disciplinary committee, and sign a statement declaring the same. The committee must receive at least seventy-two hours notice as to the time and place of the hearing. After considering the evidence against a student so charged, the university disciplinary officer may take any of the following actions:

(1) Terminate the complaint, exonerating the student.

(2) Dismiss the charge after whatever counseling and advice is deemed appropriate.

(3) Refer the student to specialists, as in the case of emotional disturbances.

(4) Impose any number of sanctions from WAC 172-120-050 (minor disciplinary sanctions) contained herein.

(5) Refer the case to the university disciplinary committee in the event the university disciplinary officer deems major disciplinary sanction may be warranted or if the student requests that the case be heard by the committee. If the student requests that the case be heard by the university disciplinary committee rather than the university disciplinary officer, the committee may take any of the sanctions listed in subsections (1), (2), (3), and (4) above, except that the committee may impose a major disciplinary sanction as defined in subsection (2) of WAC 172-120-050 herein. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-080, filed 2/25/81; Order 72-2, § 172-120-080, filed 5/12/72.]

WAC 172-120-090 Consolidation of cases permissible. In the event that one or more students are charged with the same misconduct arising from the same occurrence, the disciplinary committee or university disciplinary officer shall be authorized to consolidate the hearings as practical; provided that such consolidation

does not prejudice the rights of any students. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-090, filed 2/25/81; Order 72-2, § 172-120-090, filed 5/12/72.]

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

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

(b) Any students attending a disciplinary committee hearing as an invited guests or as attendees who continue to disrupt the proceedings after the chair of the committee has asked them to cease and desist thereof, shall be subject to disciplinary action.

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

(3) Students may have an adviser of their choice to present or assist in the presentation of their case, subject to the limitations of subsection (3)(b) of this section. Students must render three days' notice prior to the hearing of the prospective representation if they intend to be represented by a duly licensed attorney. In the event the students choose a duly licensed attorney to represent them in proceedings before the disciplinary committee, an assistant attorney general for the state of Washington shall represent the university therein.

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

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

(4) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice that a

hearing regarding the university's allegation that he violated the student code is being held at a certain time and place, will be considered in determining whether the university disciplinary committee has sufficient cause to believe that the accused student is guilty of violating any of the written list of charges presented them pursuant to WAC 172-120-080 of this code.

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

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

(c) The chair of the university disciplinary committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-100, filed 2/25/81; Order 72-2, § 172-120-100, filed 5/12/72.]

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

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

(3) No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer the charges or appear at the hearing, but must be based upon the evidence considered prior to the committee's decision or on the evidence of past misconduct deemed relevant by the chair of the university disciplinary committee. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-110, filed 2/25/81; Order 72-2, § 172-120-110, filed 5/12/72.]

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

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

(2) Appeals to the president:

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

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

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

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

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

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

(4) The president may request a written report of the case from the disciplinary committee before making a decision. The president shall also have the right to request additional information or explanation from any of the parties to the proceeding before rendering a decision.

In making a decision, the president shall only consider the written record, the student's notice of appeal, the petition of a complaining witness if such is filed, the written record of the disciplinary committee, and such other information and an explanation requested from the parties to the proceeding. In the instance in which the president has received a finding that the university student code has been violated, the president may, in considering what disciplinary sanction should be imposed, affirm, reverse, remand, or modify (only to a less severe sanction) the recommendation of the university disciplinary committee. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-120, filed 2/25/81; Order 72-2, § 172-120-120, filed 5/12/72.]

WAC 172-120-130 Interim suspension permitted. Disciplinary actions of the university will be implemented by the president of the university, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the university will be invoked only after completion of the procedures established for the review of disciplinary cases and after the employee or student, if they so wish, have availed themselves of the appeal procedures. However, in emergency situations, if the safety of one or more individuals is imperiled, property is endangered, or the university's ability to function is in question, the president or an authorized representative may summarily suspend for stated cause an employee or the enrollment of any student. In all such cases, the individual is entitled to a hearing before the appropriate group or official as specified under discipline procedures as soon as such a hearing can be held, but not to exceed ten days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the university. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-130, filed 2/25/81; Order 72-2, § 172-120-130, filed 5/12/72.]

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

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

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

(i) The fact that they are suspected of having violated this chapter and the section they are suspected of having violated,

(ii) The nature and approximate date of the activity in which they are suspected of having engaged,

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

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

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

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

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

(g) The burden of proof rests with the accuser. Said burden shall be carried if guilt is indicated by a fair preponderance of the evidence considered as a whole. [Statutory Authority: RCW 28B.35.10 [28B.35.120]. 81-06-023 (Order 1-22-81), § 172-120-140, filed 2/25/81; Order 76-9-1, § 172-120-140, filed 9/23/76.]

Chapter 172-168 WAC LIBRARY POLICIES

WAC

172-168-010	Eastern Washington University library.
172-168-020	Selection of services, personnel, resources.
172-168-060	Smoking.
172-168-070	Displays.
172-168-080	Library carrels.
172-168-090	Gifts.
172-168-100	Library borrowers.
172-168-110	Library circulation policy.
172-168-120	Library fines and charges for lost, damaged, and overdue materials.
172-168-130	Library service fees.

WAC 172-168-010 Eastern Washington University library. The library at Eastern Washington University exists first and foremost to serve the students and faculty. It also serves the rest of the university community, the regional needs of Eastern Washington, and the general scholarly community. Although normal hours for providing service varies from forty-five to more than eighty hours per week, the library may adjust these hours to meet changing public demand, availability of staff, and budgetary limitations. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-010, filed 3/22/82; Order 73-10, § 172-168-010, filed 4/18/73.]

WAC 172-168-020 Selection of services, personnel, resources. It is the policy of the Eastern Washington University library to select on the basis of what is best and most suitable whether the choice involves staff members, library materials, or equipment and services. The library expressly rejects any form of negative selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin, or political viewpoint. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-020, filed 3/22/82; Order 73-10, § 172-168-020, filed 4/18/73.]

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WAC 172-168-060 Smoking. Smoking in the JFK Memorial Library is restricted to areas so specified by the university librarian or his designee. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-060, filed 3/22/82; Order 73-10, § 172-168-060, filed 4/18/73.]

WAC 172-168-070 Displays. Displays utilizing library space and facilities shall be by invitation only. Solicitation of a display invitation must be submitted to the university librarian or his designee for review and evaluation concerning the display's relation to the library services. The library shall have discretionary authority regarding the decision to extend display invitations. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-070, filed 3/22/82; Order 73-10, § 172-168-070, filed 4/18/73.]

WAC 172-168-080 Library carrels. Locked library carrels are generally assigned to faculty members and graduate students (working on a thesis). The library may assign others to the carrels if space is available. Assignment is on a first-come, first-serve basis for a quarter, and multiple assignments per carrel may be made. All closed carrels shall be subject to the following:

(1) All library materials kept in a carrel must be checked out, and are subject to the library's loan policies. University staff members may enter the carrels for checking and retrieval of library materials and for cleaning and maintenance.

(2) The library is not responsible for personal property left in the carrels.

(3) A carrel assignment may be withdrawn or denied if the rules governing its use are not observed. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-080, filed 3/22/82; Order 73-10, § 172-168-080, filed 4/18/73.]

WAC 172-168-090 Gifts. The library welcomes the donations of books, other library materials, and money. Valuation of gifts for tax purposes will be based upon information available in the library and assessment of value incurs no liability of proof by the library. Gifts become university property when accepted and received. The library reserves the right to reject, dispose, or return to the donor any gift. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-090, filed 3/22/82; Order 73-10, § 172-168-090, filed 4/18/73.]

WAC 172-168-100 Library borrowers. Use of the library as part of a state public institution is the right of any adult resident of the state; however, borrowing privileges and other services may be limited in order to serve first the primary clientele of students and faculty. Children under twelve years of age must be accompanied by an adult or obtain permission from the senior staff member on duty. Use of the library may be denied to anyone for continuing abuse of library services or resources. Library materials may be circulated to the following:

(1) Students either full time or part time, including those serving as student teachers, graduate students, faculty members including special categories as visiting professors, and emeriti faculty, administrative and civil service staff, and trustees.

(2) Faculty members of public higher education institutions of Washington state.

(3) Spouses of faculty, staff members, and students.

(4) "Friends" of the library or "Library Associates".

(5) Other libraries through interlibrary loans.

(6) Registrants, in good standing, of other SCOALIS (Spokane County Automated Library and Information System) libraries.

(7) Children between ages twelve and sixteen years may register and be issued a borrower's card, provided the card is co-signed by their parent or guardian.

(8) Other individuals, (nonresidents) if in the judgment of the university librarian, or his designee, the purpose is serious and the loan will not conflict with service to others. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-100, filed 3/22/82; Order 73-10, § 172-168-100, filed 4/18/73.]

WAC 172-168-110 Library circulation policy.

Amounts of materials borrowed at a given time may be limited by demand, materials available, and judgment of library personnel, but normally will not exceed forty items. All materials held past the due date are considered overdue. Those materials designated for the reference, periodicals, and certain special collections ordinarily do not circulate. With these exceptions, library materials circulate for twenty-eight days and are renewable, except as follows:

(1) Items that have had holds placed on them may not be renewed, and return may be requested before the due date to meet special needs, such as reserve for class use.

(2) Unbound periodicals may be checked out for three days, and may be renewed.

(3) Reserve materials may be checked out for two hours, one day, or three days, depending on the type of reserve requested.

(4) Prints, framed pictures, browsing materials, and other small special collections may be established from time to time and be governed by varying circulation rules.

(5) Uncatalogued library materials may be loaned at the discretion of the library staff for varying loan periods.

(6) Faculty members may check out general collection materials for ninety days. They may request renewal, but are subject to the "holds" rule (1) above.

(7) The library reserves the right to request immediate return of materials needed for classwork or other special assignment. Failure to do so may cause the library to impose a penalty not to exceed \$1.00/item/day.

(8) New graduate students and certain other borrowers, at library staff discretion, may be issued general collection materials for sixty days with renewal, subject to hold rule (1) above. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-

168-110, filed 3/22/82; Order 73-10, § 172-168-110, filed 4/18/73.]

WAC 172-168-120 Library fines and charges for lost, damaged, and overdue materials. (1) Persons to whom overdue materials are checked out are subject to the following schedule:

One dollar for first overdue notice. Two dollars for second notice.

(2) Reserve materials fine schedule:

Two hours - twenty cents per hour;

One day - fifty cents per day;

Three days - fifty cents per day.

Fines will be charged for reserve materials on weekends and holidays.

(3) Ordinarily the library sends reminder notices and hold notices on overdue materials. However, it must be recognized that the return of library materials is solely the borrower's responsibility, and the library may, when necessary, curtail the practice of sending notices.

(4) Reimbursement shall be made to the library for lost or damaged materials, the charges to be established by the librarian or his designee. Such charges will be a fair estimate of replacement or repair cost plus a five dollar processing charge.

(5) The library may request of the registrar and the student accounting office that registration of any student charged with overdue materials or unpaid fines be withheld until such materials are returned and/or fines paid.

(6) The charge for replacement of a borrower's identification card will be one dollar.

(7) All library patrons should be aware of the following section of the Revised Code of Washington:

"27.12.340 Penalty for wilfully retaining books. Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, shall be guilty of a misdemeanor."

(8) The library may refuse to loan materials to patrons who have a record of abuse of library privileges at other SCOALIS libraries.

(9) The library may resort to legal action to obtain compliance with these regulations. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-120, filed 3/22/82; Order 73-10, § 172-168-120, filed 4/18/73.]

WAC 172-168-130 Library service fees. Fees may be levied for some special services in the library which are not funded and must be self-supporting. In all cases, the fees reflect the actual cost of the service. A current fee schedule will be maintained in the library as established by the university librarian, or his designee. At present, fees are charged for a variety of photocopying, bibliographic and related services. Normally these charges will not exceed actual costs incurred, including

labor and overhead. [Statutory Authority: RCW 28B-.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-130, filed 3/22/82; Order 73-10, § 172-138-130 (codified as WAC 172-168-130), filed 4/18/73.]

Chapter 172-180 WAC
DELEGATED AUTHORIZATION TO HIRE,
DISMISS AND DISCIPLINE CLASSIFIED
PERSONNEL

WAC

172-180-020 Delegation of appointing authority power.

WAC 172-180-020 Delegation of appointing authority power. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the higher education personnel board, the board of trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

- (1) The president;
- (2) The vice president and provost for academic affairs;
- (3) The vice provost for academic affairs;
- (4) The vice president for business and finance;
- (5) The vice president for extended programs;
- (6) The provost for student services;
- (7) The vice president for administration;
- (8) The dean, college of letters and sciences;
- (9) The dean, school of fine arts;
- (10) The dean, school of human learning and development;
- (11) The dean, division of health sciences;
- (12) The dean, school of business;
- (13) The dean, school of social work and human services;
- (14) The dean, school of public affairs;
- (15) The university librarian; and
- (16) The executive assistant to the president (also the secretary of the board of trustees). [Statutory Authority: RCW 28B.35.120. 82-22-078 (Order 82-04), § 172-180-020, filed 11/3/82. Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-020, filed 5/5/78; Order 73-7, § 172-180-020, filed 3/20/73.]

Title 173 WAC
ECOLOGY, DEPARTMENT OF

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- 173-06** Delegation of powers.
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173-128 Odessa ground water management subarea.
173-128A Odessa ground water management subarea.
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173-130A Odessa ground water subarea management policy.
173-142 Delegation of permit program under State Flood Control Zone Act.
173-164 Water rate charges.
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173-220 National pollutant discharge elimination system permit program.
173-230 Certification of operators of wastewater treatment plants.
173-302 Hazardous waste regulation.
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173-400 General regulations for air pollution sources.
173-415 Primary aluminum plants.
173-422 Motor vehicle emission inspection.
173-490 Emission standards and controls for sources emitting volatile organic compounds (VOC).
173-511 Instream resources protection program--Nisqually River Basin, Water Resource Inventory Area (WRIA) 11.
173-515 Instream resources protection program--Kitsap Water Resource Inventory Area (WRIA) 15.
173-530 Water resources program in the Klickitat River Basin, WRIA-30.
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173-563 Instream resources protection program for the main stem Columbia River in Washington state.

Chapter 173-06 WAC
DELEGATION OF POWERS

WAC

173-06-065 NPDES delegation.

WAC 173-06-065 NPDES delegation. The sole and complete responsibility for administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to Bruce A. Cameron, an assistant director, [who qualifies] under 33 U.S.C. 1314(i) and implementing regulations to administer the program. [Statutory Authority: RCW 43.21A-.090. 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; 81-09-056 (Order DE 81-7), 173-06-065, filed 4/17/81.]