

# Title 132N WAC

## COMMUNITY COLLEGES--CLARK COLLEGE

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### Chapter 132N-10 WAC STATE ENVIRONMENTAL POLICY ACT GUIDELINES

#### WAC

132N-10-010 Environmental protection policy.

**WAC 132N-10-010 Environmental protection policy.** (1) It shall be the policy of Clark Community College District No. 14 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

(2) In compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy. [Order 76-2, § 132N-10-010, filed 1/26/77.]

### Chapter 132N-128 WAC FACULTY TENURE

#### WAC

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**WAC 132N-128-010 Purpose.** The board of trustees of Clark Community College District No. 14 hereby establish the following rules on faculty tenure, the purpose of which is twofold:

(1) To protect faculty employment rights and faculty involvement in the protection of those rights at Clark

College and subsequent community colleges hereafter established within Clark Community College District No. 14.

(2) To assure that tenure is granted to faculty members of such character and scholarly ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers. [Order 74-6, § 132N-128-010, filed 5/23/74.]

**WAC 132N-128-020 Definitions.** As used in chapter 132N-128 WAC, the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the board of trustees of Clark Community College District No. 14.

(2) "Regular college year" shall mean any three college quarters of the college year.

(3) "President" shall mean the president of Clark College, or in such president's absence, the acting president.

(4) "Part-time" shall mean an appointment for which the appointee's presence at the college for the entire professional day during the entire regular college year is not required.

(5) "College" shall mean Clark College and any subsequent community college hereafter established within Clark Community College District No. 14.

(6) "Full-time" shall mean an appointment which requires the appointee's presence at the college for a professional day during the regular college year, as designated in the appointee's employment contract.

(7) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process.

(8) "Faculty appointment" shall mean full-time employment as a teacher, counselor, librarian or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(9) "Probationary faculty appointment" shall mean a faculty appointment to a tenurable position for a designated period of time which may be terminated without cause but with due process upon expiration of the probationer's term of employment.

(10) "Temporary faculty appointment" shall mean an appointment to the faculty in a position which is non-tenurable either because it is for less than a full regular year or because the position is not a permanent one or because the position is funded through federal moneys or special funds as provided in RCW 28B.50.851 (2)(b).

(11) "Probationer" shall mean any individual holding a probationary faculty appointment.

(12) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority. The following

positions are deemed by the appointing authority to constitute administrative appointments, which positions are deemed nontenurable. Individuals previously granted tenure at the college retain tenure as faculty members while serving appointments to the following positions:

- (i) President
- (ii) Vice president
- (iii) Executive dean
- (iv) Dean of faculty
- (v) Dean of instruction
- (vi) Dean of students
- (vii) Dean of administrative services
- (viii) Campus administrative assistant
- (ix) All positions titled associate dean, assistant dean, director, coordinator, chairperson, or confidential secretary. [Order 76-3, § 132N-128-020, filed 2/18/77; Order 74-6, § 132N-128-020, filed 5/23/74.]

**WAC 132N-128-030 Selection of the tenure review committee.** (1) A tenure review committee shall be established for each probationer. The committee shall be responsible for the probationer until he is either granted tenure or is no longer employed at Clark College.

(2) The president of the college shall appoint an administrator to assume the ongoing overall responsibility for coordinating the activities of the tenure review process and assuring that tenure review committees are formed and that they fulfill their duties. Each tenure review committee shall have its first organizational meeting no later than six weeks after the day that the probationer has begun his/her faculty duties, providing, however, that if he/she begins his/her duties in the summer quarter, this process is to begin no later than six weeks after the beginning of the fall quarter.

(3) Each tenure review committee shall be composed of five members. There shall be automatic appointment by the college president of the probationer's division chairperson or, in the absence of a division, of the department chairperson. In cases where there is an official program director, the program director will replace the division chairperson. This position will be designated Position #1, and will constitute the administrative staff's representation on the committee. Positions #2, #3, and #4 shall consist of tenured faculty members. The faculty members selected for Positions #2 and #3 shall be the same for all tenure review committees initiated that year to a limit of three committees, and they will serve on those committees for the full period necessary for each committee to discharge its duties. One shall be an "academic" instructor; the other shall be from the vocational area. Each year the president of the faculty negotiating body shall nominate a candidate for each position, then call an all-faculty meeting at which additional candidates may be nominated. A vote shall be taken at that meeting and the nominee receiving a majority vote for each position shall be elected. If no candidate for a particular position receives a majority vote, a run-off election shall be held within ten calendar days between the two candidates receiving the largest number of votes. Position #4 shall be filled with a tenured faculty member

elected by the faculty acting in a body after the association has solicited and considered the probationer's counsel relative to the candidate or candidates for that position. Position #5 shall be filled by a full-time student selected by the council of representatives of the associated students of Clark College. Each review committee shall choose its own chairperson, adopt bylaws for its operation, and shall meet at least once each quarter at the call of the chairperson.

(4) If a vacancy exists upon the review committee, as determined by the committee's bylaws, prior to the expiration of any such appointment, an administrative member, a faculty member, or student member, as appropriate, will be chosen pursuant to subsection (3) above to fill the unexpired term of the absent member of such review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 78-10-068 (Order 78-01, Resolution 78-01), § 132N-128-030, filed 9/27/78; Order 76-3, § 132N-128-030, filed 2/18/77; Order 74-6, § 132N-128-030, filed 5/23/74.]

**WAC 132N-128-040 Duties of tenure review committee.** (1) This review committee shall establish its method of evaluating the performance of each probationer. The evaluation shall be directed toward improving the quality of the respective professional program. Therefore, the total evaluation shall emphasize procedures which shall help the probationer improve the instructional program.

(2) The committee's recommendation to award or not to award tenure shall be based solely on the following criteria:

- (a) Self-evaluation by the probationer;
- (b) Evaluation based on observations of the probationer carrying out his/her duties;
- (c) Evaluations by the probationer's students in the case of instructors;
- (d) Opinions from members of the probationer's division or administrative unit, including his/her dean, regarding the probationer's effectiveness in his/her appointment.

(3) The tenure review committee for the probationer shall begin its review process no later than six weeks after the beginning of the probationer's contracted faculty duties, exclusive of summer quarter, and shall reach agreement regarding the criteria and procedures to be used in the evaluation to enable them to notify the probationer in writing and discuss their proposed criteria and procedures with him/her by the end of the eighth week of the quarter. The probationer shall acknowledge in writing to the committee chairperson, within a week of its receipt, his/her understanding of these criteria and procedures.

(4) The committee shall meet at least once each quarter with the probationer starting with the second quarter of the evaluation process and continuing until the committee is discharged. This meeting shall be for the purpose of evaluating the probationer's progress and performance, and shall be held no later than the seventh week of the quarter. The committee shall provide a

written summary of this evaluation, noting the probationer's strengths and weaknesses, plus written recommendations as to suggested procedures to be used by the probationer to correct such weaknesses. A copy of each summary shall be provided to the probationer, to his/her committee, and to the appropriate dean.

(5) At least once each year the tenure review committee has the responsibility of making a written recommendation to the appointing authority, through the college president, regarding the employability of the probationer for the following year.

(a) Prior to March 1 of the probationer's first and second years of tenure review, the committee has the responsibility of providing a written recommendation concerning the employment or nonemployment of their probationer for the ensuing college year. Copies of the recommendation will be sent to the probationer.

(b) No later than the probationer's third year of tenure review, the tenure review committee must make a written recommendation for the granting or denying of tenure. This recommendation must be made prior to February 15 and shall be directed to the appointing authority, through the college president, with a copy to the probationer.

(c) The probationer may resign at any time. The evaluation procedure will terminate upon receipt of the probationer's written resignation.

(6) The appointing authority shall give reasonable consideration to the tenure recommendation of the review committee, and the appointing authority will prepare and present justification to the committee for not accepting its recommendation.

(7) The foregoing procedure will not apply in cases involving reduction in force procedures or dismissal-for-cause procedures. [Order 76-3, § 132N-128-040, filed 2/18/77; Order 74-6, § 132N-128-040, filed 5/23/74.]

**WAC 132N-128-050 Dismissal for cause.** Dismissal for sufficient cause during the regular college year shall, in addition to the enumerated grounds contained in section 40, chapter 283, Laws of 1969, extraordinary session, include but not be limited to:

- (1) Any unlawful act of violence;
- (2) Any unlawful act resulting in destruction of community college property;
- (3) Interruption of the orderly conduct of the educational process;
- (4) Incompetency;
- (5) Significant failure to perform a professional assignment;
- (6) Any other act specified by the dean and/or the president which the review committee determines constitutes unprofessional conduct of a faculty member. [Order 74-6, § 132N-128-050, filed 5/23/74.]

**WAC 132N-128-060 Selection of review committee—Dismissal for sufficient cause.** (1) When the college seeks to dismiss for sufficient cause a tenured faculty member or members, a separate review committee for

each faculty member shall be established, which committee shall adopt a set of bylaws for its internal operations. Any such bylaws shall meet with the expressed approval of the hearing officer. Each committee shall serve until such time as final determination is made regarding the matter.

(2) Each review committee shall be composed of five members. The president shall appoint an administrator to position #1. The council of representatives of the associated students shall select a student for Position #2. Position #3 shall be filled with a tenured faculty member elected by the faculty acting in a body after the association has solicited and considered the counsel of the faculty member being reviewed, relative to the candidate or candidates for that position; Positions #4 and #5 shall be tenured faculty members chosen by the faculty acting in a body.

(3) If a vacancy exists upon the review committee, as determined by the committee's adopted bylaws, prior to the expiration of any such appointment, an administrative member, a faculty member, or student member, as appropriate, shall be chosen pursuant to subsection (2) above to fill the unexpired term of the absent member of such review committee. [Order 76-3, § 132N-128-060, filed 2/10/77; Order 74-6, § 132N-128-060, filed 5/23/74.]

**WAC 132N-128-070 Dismissal for sufficient cause.** In all instances which involve dismissal for sufficient cause, i.e., by reason of personal shortcomings of an individual, such a insubordination or incompetency (as distinguished from nonrenewal for sufficient cause as specified in WAC 132N-128-080):

(1) The dean of faculty or the dean of students, as appropriate, shall investigate all matters regarding dismissal for cause. If the dean of faculty or the dean of students has cause to believe that a faculty member should be dismissed for cause, the dean shall so advise the president; and, if the president deems a sufficient cause exists, within ten working days from receiving notification from the dean, the president shall begin dismissal proceedings. The president and the dean shall discuss the matter with the faculty member no later than the beginning of the dismissal proceeding.

(2) The president begins the dismissal proceedings by presenting to the faculty member written charges of the specific conduct or conditions which is alleged to constitute sufficient cause for dismissal. Following presentation of written charges to the faculty member, the president shall initiate the process for the selection of a review committee (see section (2) above) and then transmit copies of the written charges to the committee members.

(3) Upon initiation of the dismissal proceedings, the president shall appoint an independent hearing examiner, not connected with the college, who shall be responsible for facilitating and coordinating the activities of the dismissal review committee.

(4) The hearing examiner shall establish a date for the hearing, giving the faculty member, the president, and the dismissal review committee no less than ten

days' written notice of the hearing, including the time, the date, and the place of hearing. It shall also be the responsibility of the hearing examiner to:

- (a) Preside over the hearing.
- (b) Conduct the hearing with all due speed until the hearing is terminated.
- (c) Appoint a reporter who shall function at the direction of the hearing examiner and shall record all testimony, receive all documents and other evidence introduced during the course of the hearing, and record any other matters related to the hearing as directed by the hearing examiner.
- (d) Hear testimony from all individuals called by the president or his/her representative, the faculty member charged or his/her representative, the dismissal review committee, or the hearing examiner, and receive any evidence offered by same.
- (e) Afford the faculty member charged the right of cross-examination, the opportunity to defend himself/herself, and the right to be represented by legal counsel and/or the faculty association.
- (f) Allow the college administration to be represented by legal counsel.
- (g) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings.
- (h) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations.
- (i) Prepare a record which shall include:
  - (i) All pleadings, motions and rulings;
  - (ii) All evidence received or considered;
  - (iii) A statement of any matters officially noticed;
  - (iv) All questions and offers of proof, objections and rulings thereon;
  - (v) Recommended findings and exceptions;
  - (vi) A copy of the recommendations of the dismissal review committee.
- (j) Prepare a separate recommended findings of fact and disposition for review by the appointing authority, if appropriate.

(5) A copy of the reports described in (4)(i)(j) above shall be transcribed and furnished upon request to the faculty member whose case is being reviewed.

(6) The hearing shall be closed. However, interested parties, including but not limited to college faculty, staff, and students, will be given an opportunity to present evidence.

(7) Within ten college calendar days of the conclusion of the hearing, the dismissal review committee shall arrive at its recommendations in conference on the basis of the hearing. It should give the counsel of either party (employee or employer) the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. If the dismissal review committee determines that the availability of the transcript would aid in the making of a fair recommendation, the ten college calendar day limitation will begin with the receipt of the transcript. Within five college

calendar days of the committee's developing its recommendation, the president of the college, the faculty member, and the board of trustees shall be presented with copies of the following:

- (a) The recommendation of the dismissal review committee;
- (b) The recommendation of the hearing examiner (in the event the examiner elects to file an independent statement);
- (c) A record of the hearing.

(8) The board of trustees shall meet within a reasonable time, subsequent to its receipt of the dismissal review committee recommendations, to consider those recommendations. The board of trustees shall afford the parties the right to present oral and written argument with respect to whether the faculty member involved should be dismissed. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker—the board of trustees. The board of trustees shall, within the fifteen days following the conclusion of its review, notify the charged faculty member in writing of its final decision.

(9) Suspension of the faculty member by the president during the administrative proceedings involving the faculty member (prior to the final decision of the board of trustees) is justified if immediate harm to the faculty, others or college property or programs is threatened by the faculty member continuing his/her employment. The decision to suspend is at the discretion of the president; any such suspension shall be with pay.

(10) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member involved, the dismissal review committee, the administrative officers, or the board of trustees until all administrative proceedings and appeals have been completed.

(11) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees to the superior court within thirty days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees. [Order 76-3, § 132N-128-070, filed 2/18/77; Order 74-6, § 132N-128-070, filed 5/23/74.]

**WAC 132N-128-080 Procedures.** Reduction in force means nonrenewal of contract of probationary or tenured faculty by reason of sufficient cause for the reduction of one or more employment positions and is to be distinguished from nonrenewal solely by reason of

personal shortcomings of an individual, such as insubordination or incompetency. For purposes of a reduction in force, a sufficient cause shall include, but not be limited to, a lack of sufficient funding and/or a lack of sufficient enrollment and/or a revision of program offerings. [Order 74-6, § 132N-128-080, filed 5/23/74.]

**WAC 132N-128-090 The need for reduction in force.** (1) If the president anticipates the need for a reduction in force, he/she shall begin a thorough process of discussions and consultations with the dean of faculty, dean of students/administrative services, and other appropriate administrators, and with three faculty members designated by the executive council of the association as early as possible but no later than seven weeks before the end of winter quarter. The association will then have the right to meet as often as is necessary to offer full consultation to the president. At least one of these discussions and consultations shall include all these persons together in a joint session. The dean of faculty shall keep the instructional advisory council informed and solicit views from its members. Other relevant campus committees shall be available for consultation by the president.

(2) The president shall provide for use in these discussions and consultations the following information:

(a) Enrollment and budget data for the preceding three years, shown by divisions and departments

(b) The number and duties of each faculty member by division and department, enrollment projections, if possible

(c) Lists of forthcoming faculty vacancies due to retirement, resignation, or leave

(d) Other data requested by those he/she is consulting

(e) Brief written statement of his/her reasons in support of his/her tentative assumption of a need for reduction in force.

(3) The president after such discussion and consultation will, no later than four weeks before the end of winter quarter, issue a written report giving his/her conclusions as to whether or not there is a need for reduction in force, and including a summary of his/her supporting evidence. If the president decides that a reduction in spending is necessary, he/she will, if possible, propose that the dollar cutback be achieved by granting up to three years leave (without pay) in lieu of nonrenewal. [Order 77-2, § 132N-128-090, filed 5/5/77; Order 74-6, § 132N-128-090, filed 5/23/74.]

**WAC 132N-128-100 Specific implementation.** (1) If the president then decides to initiate reduction in force, he/she will, after discussion with the deans of the instructional advisory council, decide which faculty member's contract will not be renewed for the following year. Layoff shall be accomplished on the basis of seniority as set forth herein: *Provided*, That affirmative action employment related practices required by law or federal contract shall prevail and be complied with concurrently.

(2) The following order of layoff will be used provided there are qualified faculty members to replace and perform all the needed duties of the faculty members to be laid off: First, part-time faculty members; second, probationary appointees with the least seniority; third, full-time tenured faculty members with the least seniority.

(3) Seniority shall be determined by establishing the date of the signing of the first full-time contract for the most recent period of continuous professional service for Clark College, which shall include leaves of absence, sabbatical leaves and periods of layoffs. (This shall include professional services for the Vancouver School District No. 37 prior to 1967.) In instances where faculty members have the same beginning date for full-time professional employment, seniority shall be determined in the following order:

(a) First date of the signature evidencing acceptance of employment

(b) First date of application for employment.

(4) Clark College shall be one employment unit and an employee must meet minimum qualifications, as determined by the dean of faculty, appropriate division chairpersons and department chairpersons to instruct in other departments. This determination, as to whether faculty members to be laid off meet the minimum qualifications to instruct in another department, shall be made by the dean of faculty with the counsel of the respective division or department where the individual wishes to be considered for professional employment. [Order 77-2, § 132N-128-100, filed 5/5/77; Order 74-6, § 132N-128-100, filed 5/23/74.]

**WAC 132N-128-110 Reduction in force review committee.** (1) Before final action by the appointing authority in not renewing a faculty contract for reason of reduction in force, each case must be reviewed by a review committee consisting of one administrator appointed by the president, one student selected by the council of representatives of the associated students of Clark College, three faculty members elected by the faculty acting in a body. One board member may serve as ex officio if desired. Such reduction in force cases may be consolidated for hearing purposes before the same review committee.

(2) The reduction in force review committee, to which the matter is referred, shall then conduct proceedings to determine if cause exists and at the conclusion of such proceedings shall develop and make detailed recommended findings of fact and make an appropriate recommendation through the president to the appointing authority regarding the nonrenewal of contract.

(3) If the review committee, to which a proceeding is referred, fails to make a recommendation through the president to the appointing authority prior to the last day of winter quarter the matter shall be submitted to the appointing authority and it is assumed the reduction in force committee supports the president's recommendation.

(4) The only exception to the last day of winter quarter deadline permitted would be legislative exigency in

which case the appointing authority would have the authority to suspend the deadline date. [Order 76-3, § 132N-128-110, filed 2/18/77; Order 74-6, § 132N-128-110, filed 5/23/74.]

**WAC 132N-128-120 Reemployment and other considerations.** (1) The college president shall use his best efforts in attempting to procure similar employment for any faculty member reduced under the provisions of this article in another community college district within the states of Washington and Oregon. Recall shall be accomplished on the basis of reverse seniority as set forth herein: *Provided*, That affirmative action employment related practices required by law or federal contract shall prevail and be complied with concurrently.

(2) Faculty members nonrenewed under this section shall be considered as being "on-layoff."

(a) A full-time tenured faculty member whose contract was not renewed as a result of this faculty staff reduction procedure has a right to recall to any teaching position, either a newly created one or a vacancy, providing he is qualified as determined by the dean of instruction following the procedure above in WAC 132N-128-100, section (4). The recall shall be reversed seniority, the most senior first. The right of recall shall extend three years from the date of layoff.

(b) While a layoff continues no new faculty will be hired except in the unique circumstances where:

(i) There are no employees on layoff qualified by retraining to fill a vacant position, or

(ii) All qualified faculty members on layoff decline the offer to fill the vacancy.

(c) Faculty members on layoff shall receive written notice at least twenty days in advance of the deadline for determining whether to exercise their recall rights. The notices sent to the employees must also be submitted to the association.

(d) Once an individual on layoff status declines an offer to fill a vacancy for which he is qualified, he will be removed from layoff status and will no longer have any priority.

(e) Any individual on layoff will be given first consideration for any part-time position he/she is qualified for.

(3) Full-time tenured faculty members who have been laid off will retain all accrued benefits, including but not limited to sick leave and seniority. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status. [Order 74-6, § 132N-128-120, filed 5/23/74.]

## Chapter 132N-144 WAC RENTAL REGULATIONS

### WAC

132N-144-010 Board policy statement--Rental regulations (campus facilities).

132N-144-020 Administrative procedures--Rental regulations (campus facilities).

**WAC 132N-144-010 Board policy statement--Rental regulations (campus facilities).** Clark College is committed to providing quality educational and cultural services to the people of its district. On this basis, campus facilities are made available for use by organizations conducting educational, cultural, civic or community activities. College related activities of public educational, cultural or community service nature shall be given first priority consideration for the use of college facilities. Exemptions to the rental fee must be authorized by the president, or designee, if deemed to be in the best interests of Clark College, its faculty, staff or students.

College facilities may not be used for religious worship, exercise, or instruction (Washington state Constitution, Article 1, section 2). College facilities may not be used in ways which interfere with the college's teaching, research, public service or support programs or interfere with the flow of pedestrian or vehicular traffic.

The college reserves the right to deny any application or to revoke any permit at any time if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity or, if a prospective user has previously violated the provisions of the Clark College User's Handbook, other written rules or regulations of Clark College, or if activities which, in the judgment of the president or designee conflict with, directly compete with, or are incompatible with the programs or mission of the college. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-044 (Order 79-03, Resolution 79-03), § 132N-144-010, filed 10/15/79; Order 77-3-b, § 132N-144-010, filed 8/29/77.]

**WAC 132N-144-020 Administrative procedures--Rental regulations (campus facilities).** (1) Arrangements and conditions. Outside groups making arrangements to reserve facilities are to make them with the Student Programs Office, Gaiser Hall. Outside groups using campus facilities on weekends and school holidays must pay custodial services and appropriate rental charges for a minimum of four hours. The only exception will be when a faculty member or administrator is designated as the person responsible for damage or theft of equipment and/or facilities and no special clean-up or set-up services are required.

If special clean-up and/or set-up services are required, the outside group will be billed for extra custodial services.

The contractee shall accept full responsibility for liability claims of personal injury or personal theft, and shall be responsible to the college for any destruction, mutilation, theft or damage to college property. Every contract for the use of campus facilities shall contain a provision recognizing acceptance of responsibility.

The outside groups must name one person to be responsible for any theft or damage to equipment and/or facilities.

All reservation commitments will not be final until approved by the director of financial aid/student programs or designee.

Financial negotiations with regard to custodial expense and rental expense are the responsibility of the director of financial aid/student programs or designee.

Under normal circumstances, the college is obliged to charge a basic rental fee plus any "out-of-pocket" costs. However, related college groups may be allowed the use of facilities without charge at the discretion of college officials, provided the college is not liable for, or incurs any additional expense or liability by reason of said use. Under most circumstances any group, including college related groups (except student clubs or organizations) using facilities for fund raising activities will be required to pay the minimum rental fee.

(2) Food service. All food service shall be arranged with the foods program coordinator. In providing food service for any outside organization, the college will not compete with regular commercial enterprises able to provide such services.

(3) Supervision. A custodian or other authorized representative of the college must be on duty when facilities are being used by any organization. The student programs office is responsible for supervising all school events; club advisors are responsible for supervising club events; and a faculty or staff member is responsible for supervising or providing acceptable supervision of meetings or events which he or she has scheduled. Ordinarily, faculty or staff members are responsible for the supervision of meetings or events sponsored by groups or organizations of which they are members and/or active supporters.

The college may hire one of its faculty or staff members to supervise a meeting or event not otherwise described in this subsection. The charge for such services will be added to the facilities use contract, along with the basic rental fee and "out-of-pocket" costs.

(4) Rental fee schedule. The fee schedule for rental of available college space shall be available in the student center office.

Rental rates for college organizations may differ from those charged for noncollege organizations and for usage which involves fund raising either through solicitation of donations or by admissions charge. The fee schedule shall be established by the board of trustees. The college reserves the right to change the rates without notice, provided that such changes shall also be available in the student center office.

These basic rental rates shall cover utilities except for off-period heating costs.

The director of financial aid/student programs or designee will normally require a signed contractual agreement.

Exceptions to the procedures in this section may be made by the president or designee. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-044 (Order 79-03, Resolution 79-03), § 132N-144-020, filed 10/15/79; Order 77-3-b, § 132N-144-020, filed 8/29/77.]

Chapter 132N-156 WAC

PARKING AND TRAFFIC REGULATIONS

WAC

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- 132N-156-175 Payment of fines.
- 132N-156-185 Appeals.
- 132N-156-195 Unpaid fines.
- 132N-156-205 Revocations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132N-156-010 Board policy statement—Parking and traffic regulations. [Order 77-3c, § 132N-156-010, filed 8/29/77.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-020 Administrative procedures—Parking and traffic regulations. [Order 77-3c, § 132N-156-020, filed 8/29/77.] Repealed by 79-11-042 (Order 79-01, Resolution 79-01), filed 10/15/79. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
- 132N-156-030 Purpose. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-030, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-040 Authority. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-040, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-050 Liability of Clark College. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-050, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-060 Regulatory signs and directions. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-060, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-070 Pedestrian right of way. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-070, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-080 Speed limitations. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-080, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

- 132N-156-090 Allocation of parking spaces. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-090, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-100 Permit parking on campus. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-100, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-110 Designated and assigned parking. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-110, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-120 Parking within designated areas. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-120, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-130 Special circumstances. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-130, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-140 Exemptions from permit requirements. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-140, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-150 Motorcycle and scooter parking. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-150, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-160 Prohibitions. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-160, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-170 Impounding of disabled/abandoned vehicles. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-170, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-180 Enforcement. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-180, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-190 Appeals. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-190, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-200 Unpaid fines. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-200, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

- 132N-156-210 Revocations. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution 79-01), § 132N-156-210, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

**WAC 132N-156-015 Preamble.** Pursuant to the authority granted by RCW 28B.50.140(10) the board of trustees of Community College District No. 14, Clark Community College, is granted authority to establish rules and regulations for pedestrians and vehicular traffic over property owned, operated and maintained by the college district. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-015, filed 3/12/82.]

**WAC 132N-156-025 Board policy statement-- Parking and traffic regulations.** The parking and traffic regulations have been established to promulgate and maintain the health and safety of all members of the Clark College community--faculty, students, administrators, classified staff, and visitors. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-025, filed 3/12/82.]

**WAC 132N-156-035 Purpose.** The traffic and parking regulations contained herein provide a fair and uniform method of regulating campus vehicular and pedestrian traffic, and are based on the following objectives:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency equipment;
- (3) To minimize traffic disturbance during class hours;
- (4) To facilitate the work of the college by assuring access to institutional vehicles and by assigning the limited parking space for the most efficient use. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-035, filed 3/12/82.]

**WAC 132N-156-045 Regulatory signs and directions.** Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-045, filed 3/12/82.]

**WAC 132N-156-055 Pedestrian right of way.** The operator of a vehicle shall yield the right of way to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a crosswalk, slowing down or stopping if need be. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-055, filed 3/12/82.]



**WAC 132N-156-065 Speed limitations.** No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-065, filed 3/12/82.]

**WAC 132N-156-075 Permit parking on campus.** No person shall park a vehicle upon the Clark College campus without a valid permit issued by the Clark College security department except as noted below (WAC 132N-156-125).

(1) A valid permit is:

(a) A current vehicle permit properly displayed in accordance with permit instructions;

(b) A temporary permit authorized by the security department and displayed in accordance with instructions shown on the permit.

(2) Parking permits are not transferable.

(3) The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of the Clark College parking policy or other written rules or regulations of Clark College. All outstanding campus parking violations must be settled before a parking permit will be issued or renewed.

(4) Physically handicapped faculty members, staff personnel, and students may apply through the health services office for a handicapped parking permit. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-075, filed 3/12/82.]

**WAC 132N-156-085 Fees for permits.** The fees charged by the college for the issuance of permits shall be set by the board of trustees of the college. Parking permits are issued as a license to park on the Clark College campus. A schedule of current parking fees will be included in the policies and procedures manual and published each quarter in the college schedule. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-085, filed 3/12/82.]

**WAC 132N-156-095 Designated and assigned parking.** (1) Vehicles shall be parked on the campus only in those areas set aside and designated as parking areas.

(2) In any area requiring a special parking permit, no vehicle shall park there without said permit. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-095, filed 3/12/82.]

**WAC 132N-156-105 Allocation of parking spaces.** The parking spaces available on campus shall be assigned by the security advisory committee in such a

manner as will best obtain the objectives of these regulations. The director of security, or designee, is authorized to mark various parking areas on the campus with numbers or titles or by the posting of signs or curb markings in those areas. Students, staff, and faculty may obtain daytime or evening parking on campus as follows:

(1) Student parking is limited to areas designated as open parking;

(2) Staff/faculty parking is limited to areas so designated. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-105, filed 3/12/82.]

**WAC 132N-156-115 Motorcycle and scooter parking.** (1) Motorcycles, motorized bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Special parking areas will be designated for motorcycles, motorized bicycles and scooters. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-115, filed 3/12/82.]

**WAC 132N-156-125 Visitor and guest parking.** (1) All visitors, including guests, sales persons, maintenance or services personnel and all other members of the public on campus for less than two hours may park in designated visitor parking areas, or as directed by the Clark College security officers or parking checkers. There will be no charge, and no permit required.

(2) Visitors on campus for more than two hours may purchase a visitor's permit and park in open parking areas. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-125, filed 3/12/82.]

**WAC 132N-156-135 Prohibitions.** No person shall stop or park any vehicle so as to obstruct traffic along or upon any street, fire lane or sidewalk. No vehicle shall be parked:

(1) At any place where official signs or curb markings prohibit parking;

(2) Within ten feet of a fire hydrant;

(3) At any place for which the vehicle does not have a valid permit.

No vehicle (including motorcycles, motorized bicycles and scooters) shall drive on pathways without a special permit issued by the security department. Restrictions governing the use of intra-campus permits shall be included on the face of the permit. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-135, filed 3/12/82.]

**WAC 132N-156-145 Impounding of disabled/inoperative vehicles.** No disabled or inoperative vehicle shall be parked on the campus for a period in excess of forty-eight hours. Vehicles which have been parked for periods in excess of forty-eight hours and which appear to be disabled and inoperative may be impounded and stored

at the expense of either or both the owner and operator thereof. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-145, filed 3/12/82.]

**WAC 132N-156-155 Enforcement.** The board of trustees of Clark College shall set and approve fair and uniform schedules of fines for parking violations. If a violation of the traffic and parking rules and regulations is committed on the Clark College campus, the security department is authorized to notify the violator and issue citations as follows:

(1) The first violation shall be cited by a warning citation;

(2) The second and third violations shall be cited by use of a citation and the violator shall be fined;

(3) Any violation occurring after the third citation may result in the violator's permit being revoked. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-155, filed 3/12/82.]

**WAC 132N-156-165 Violations of the following traffic and parking rules will be cited.** (1) Parking offense:

(a) Parking without a valid permit displayed on vehicle.

(b) Occupying more than one space.

(c) Parking in space not designated for parking.

(d) Failure to set brakes.

(e) Parking area not authorized.

(f) Blocking traffic.

(g) Parking adjacent to fire hydrant.

(h) Parking in fire lane.

(i) Parking in "no parking" zone.

(j) Parking on grass.

(k) Parking in "handicapped" zone without a special permit.

(l) Parking disabled or inoperable vehicle in excess of forty-eight hours.

(2) Traffic offense:

(a) Failure to yield right of way (posted).

(b) Failure to yield right of way to pedestrians.

(c) Failure to yield right of way to automobile.

(d) Failure to yield right of way to emergency vehicle.

(e) Failure to stop at traffic signal/sign.

(f) Failure to use due care and caution.

(g) Obstructed vision.

(h) Passenger or animal outside of vehicle while vehicle is in motion.

(i) Driving without lights after dark.

(j) Driving on shoulder, sidewalk, or pathway.

(k) Disobeying flagman, police, or fireman. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-165, filed 3/12/82.]

**WAC 132N-156-175 Payment of fines.** (1) A schedule of fines will be published in the Clark College policies and procedures manual and in the student handbook.

(2) Persons cited for violation of the traffic and parking rules and regulations may respond either by filing a written appeal or by paying a fine within fifteen days of receipt of the citation.

(3) All fines are to be made payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the administration building. Fines that are mailed must be received within fifteen days of receipt of the citation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-175, filed 3/12/82.]

**WAC 132N-156-185 Appeals.** Students, faculty and staff members who receive citations for violations of the traffic and parking rules and regulations may appeal to the director of security. If the situation is not resolved satisfactorily, students, faculty, and staff members may appeal in writing to the security advisory committee through the dean of administrative services. Appeals must be submitted and received without posting of fine within seven days after date of citation. The security advisory committee meets once a month while the college is in session. The security advisory committee shall consider each appeal on its merits and shall make written notification of each decision of the committee to the appellant and the security department. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-185, filed 3/12/82.]

**WAC 132N-156-195 Unpaid fines.** (1) If any citation remains unpaid after fifteen days, a letter will be sent to the violator stating that if the citation remains unpaid for an additional five days, any of the following actions may be taken by Clark College:

(a) A hold may be placed on transcripts.

(b) A delay of registration for the following quarter.

(c) Revocation of the permit(s).

(d) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.

(e) Fines due and payable will be withheld from paychecks of all Clark College employees (including faculty, staff and students).

(f) All fines outstanding may be turned over to a collection agency.

(2) If a violator has three unpaid citations, a letter will be sent notifying the violator of the unpaid citations and that his/her vehicle will be impounded and held until all outstanding fines are paid.

(3) These procedures will be applicable to all students, faculty, and staff members receiving citations for violations of these regulations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-195, filed 3/12/82.]

**WAC 132N-156-205 Revocations.** Permits are licenses and the property of the college and may be recalled for any of the following reasons:

(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.

(3) Falsification on a parking permit application.

(4) Continued violations of parking regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the director of security/security advisory committee.

Appeals of permit revocations may be made to the security advisory committee. Appeals must be filed within seven days of revocation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-205, filed 3/12/82.]

### Chapter 132N-168 WAC SUSPENDED OPERATIONS

#### WAC

132N-168-010 Board policy statement—Suspended operations—Civil service employees.

132N-168-020 Administrative procedures—Suspended operations—Civil service employees.

**WAC 132N-168-010 Board policy statement—Suspended operations—Civil service employees.** Suspended operation of all or any portion of the institution is defined as emergency conditions beyond control of management, such as, but not limited to, riot, civil disturbance, mechanical failure, severe weather conditions, strike or work stoppage. When the president determines that such conditions exist, the following administrative procedures will be implemented. [Order 77-3-a, § 132N-168-010, filed 8/29/77.]

**WAC 132N-168-020 Administrative procedures—Suspended operations—Civil service employees.** (1) Management shall have the option to staff the institution or portion thereof, as they wish during the first working day of the period of suspended operations.

(2) When the period of suspended operation is anticipated to exceed one working day, but is anticipated to be less than twenty-one calendar days, employees best qualified to perform the tasks at hand, with the most layoff seniority shall be given the first option to work in the event that there are enough volunteers to meet the institution's work requirements. In the event there are too few volunteers, the employer may require employees to work in the reverse seniority.

(3) If the period of suspended operation exceeds twenty-one calendar days, the full layoff provisions of the rules shall apply. Notification of options and/or layoff may not be given until the condition of suspended operations has been in existence for twenty-one calendar days. [Order 77-3-a, § 132N-168-020, filed 8/29/77.]

### Chapter 132N-276 WAC PUBLIC RECORDS

#### WAC

132N-276-005 Board policy statement—Public records.

132N-276-010 Administrative procedures—Purpose.

132N-276-020 Administrative procedures—Definitions.

132N-276-030 Description of central and field organization of Community College District No. 14.

132N-276-040 Operations and procedures.

132N-276-050 Public records available.

132N-276-060 Public records officer.

132N-276-070 Office hours.

132N-276-080 Requests for public records.

132N-276-090 Copying.

132N-276-100 Exemptions.

132N-276-110 Review of denials or public records requests.

132N-276-120 Protection of public records.

132N-276-130 Records index.

132N-276-140 Adoption of form.

132N-276-150 Appendix A—Form—Request for public record.

**WAC 132N-276-005 Board policy statement—Public records.** Clark College shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures. [Order 77-3 d, § 132N-276-005, filed 8/29/77.]

**WAC 132N-276-010 Administrative procedures—Purpose.** The purpose of this chapter shall be to ensure compliance by the Community College District No. 14 with the provisions of chapter 42.17 RCW as now existing or hereafter amended and in particular with RCW 42.17.250 through 42.17.340 dealing with public records. [Order 77-3 d, § 132N-276-010, filed 8/29/77.]

**WAC 132N-276-020 Administrative procedures—Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Community College District No. 14. The Community College District No. 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. The community college district shall hereinafter be referred to as the "district." Where appropriate, the term board refers to the board of trustees of the district. [Order 77-3 d, § 132N-276-020, filed 8/29/77.]

**WAC 132N-276-030 Description of central and field organization of Community College District No. 14.** District No. 14 is a community college district organized under RCW 28B.50.040. The administrative office of

the district and its staff are located at Clark Community College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663. [Order 77-3 d, § 132N-276-030, filed 8/29/77.]

**WAC 132N-276-040 Operations and procedures.** The district is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees usually meet once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the trustees may not meet at all in a particular calendar month. At such time the trustees exercise the powers and duties granted them under law. [Order 77-3 d, § 132N-276-040, filed 8/29/77.]

**WAC 132N-276-050 Public records available.** All public records of the district, as defined in WAC 132N-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132N-276-100. [Order 77-3 d, § 132N-276-050, filed 8/29/77.]

**WAC 132N-276-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340. [Order 77-3 d, § 132N-276-060, filed 8/29/77.]

**WAC 132N-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 77-3 d, § 132N-276-070, filed 8/29/77.]

**WAC 132N-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the district's

staff, if the public records officer is not available, at the administrative office of the district during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests before the close of business on the day following the date of the request by informing the requestee in writing of:

- (a) The availability of the requested record(s); and
- (b) A definite time and place (within five business days) when such requested record(s) may be inspected or copies provided.

(3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested. [Order 77-3 d, § 132N-276-080, filed 8/29/77.]

**WAC 132N-276-090 Copying.** No fee shall be charged for the inspection of public records. The district shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check, or cash in advance. [Order 77-3 d, § 132N-276-090, filed 8/29/77.]

**WAC 132N-276-100 Exemptions.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132N-276-080 exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy.

The public records officer will fully justify such deletion in writing. [Order 77-3 d, § 132N-276-100, filed 8/29/77.]

**WAC 132N-276-110 Review of denials or public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for

prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following the denial or inspection, whichever occurs first. [Order 77-3 d, § 132N-276-110, filed 8/29/77.]

**WAC 132N-276-120 Protection of public records.** Requests for public records shall be made in the administration building of Clark Community College. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designed for their inspection. Copies shall be made at Clark Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provision of WAC 132N-276-090. [Order 77-3 d, § 132N-276-120, filed 8/29/77.]

**WAC 132N-276-130 Records index.** (1) INDEX. The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1973:

- (a) Final options, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) AVAILABILITY. The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 77-3 d, § 132N-276-130, filed 8/29/77.]

**WAC 132N-276-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record." [Order 77-3 d, § 132N-276-140, filed 8/29/77.]

**WAC 132N-276-150 Appendix A--Form--Request for public record.**

**REQUEST FOR PUBLIC RECORD TO  
Community College District No. 14**

(a) \_\_\_\_\_  
Signature (Please Print) \_\_\_\_\_ Signature \_\_\_\_\_

\_\_\_\_\_  
Name of Organization, if Applicable

\_\_\_\_\_  
Mailing Address of Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

(b) \_\_\_\_\_  
Date Request Made at Community \_\_\_\_\_ Time of Day  
College District No. 14 \_\_\_\_\_ Request Made \_\_\_\_\_

(c) Nature of request \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Identification reference on current index \_\_\_\_\_  
(Please Describe)  
\_\_\_\_\_  
\_\_\_\_\_

(e) Description of record, or matter, requested if not identifiable by  
reference to the Community College District No. 14's Current  
Index \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Request: Approved \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_  
Public Records Officer

Date Denied \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Referred to \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_  
Public Records Officer

[Order 77-3 d, § 132N-276-150, filed 8/29/77.]