

# Title 174 WAC

## THE EVERGREEN STATE COLLEGE

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\*Reviser's note: Chapter 174-12 WAC [Order 174-12, filed 11/5/72] and chapter 174-148 WAC [Order 72-10, filed 10/27/72] are both entitled "Equal opportunity policy and procedures--Affirmative action program" and are set forth herein as filed.

### Chapter 174-12 WAC

#### EQUAL OPPORTUNITY POLICY AND PROCEDURES--AFFIRMATIVE ACTION PROGRAMS

<b>WAC</b>	
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**WAC 174-12-010 Preface.** Although governed by an autonomous board of trustees, The Evergreen State College does not solely determine all its actions and processes. External state agencies exert extensive control in many important areas, including purchasing, architecture, engineering, surveying, construction, classified staff

personnel, collective bargaining, legal matters, funding and budgeting.

Therefore, this policy statement speaks not only to Evergreen's people as members of an academic community and those doing business with Evergreen but also to the many state agencies in a position to influence its activities.

The college requires that its faculty, administration, staff and students comply with the equal employment policies and affirmative action program described herein. The degree to which each member of the college community supports these policies and programs will be considered in his performance evaluation. The college also expects that other agencies of state government will heed this declaration. [Order 174-12, § 174-12-010, filed 11/5/71.]

**WAC 174-12-020 Legal bases.** This broad policy regarding equal opportunities is intended to comply with and pass beyond the minimum requirements of the following applicable state and federal provisions:

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

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

State of Washington, Governor Evans' Executive Order of September 1966, which sets forth policy of non-discrimination in state employment and state contracts.

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

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

Presidential Executive Order 11375 issued September 1967 amending Presidential Order 11246 expressly to prohibit discrimination on account of sex. [Order 174-12, § 174-12-020, filed 11/5/71.]

**WAC 174-12-030 Policy.** The Evergreen State College requires that its faculty, administration, and staff, all who develop programs at the college; and all agencies, persons, vendors and other organizations who do business with the college, comply with the spirit of equal opportunity and with the letter of all applicable federal and state statutes and regulations. Compliance in this sense requires that these individuals and groups not discriminate in their personnel policies and that they take affirmative action of offering opportunities for equal employment, job promotions, soliciting of bids for

goods and services, and other activities to all persons regardless of race, color, religion, sex or national origin. The college, to the extent it can enforce this policy, expects and will determine compliance as a condition of engaging in business for or with the institution or group. The policy applies to all groups and individuals so engaged regardless of where located or the form of service performed.

Through this policy, the college seeks positive and affirmative action to help open job and program opportunities for minority groups and females, prevent discrimination against their members in recruitment and employment, and assure nondiscriminatory advancement opportunities, and promote positive consideration for contracts of goods and/or services with minority business enterprises.

To insure compliance the college will require submission of pertinent information to be analyzed related to employment policies and practices of all individuals or groups with which it does business.

The college pledges to deal fairly with those affected by this policy and to avoid harassment or burdensome administrative detail. Judgments regarding compliance will be favorable if the individual or group does not discriminate against minority persons or females and takes positive and affirmative action toward extending opportunities for such persons. At the same time, those to whom this policy applies may expect firmness since the college expects its full and impartial implementation.

The college recognizes the necessity of close working relationships to provide equal opportunities and eliminate discrimination in all associated campus programs and earnestly solicits full cooperation and support of the public and campus community in this endeavor. [Order 174-12, § 174-12-030, filed 11/5/71.]

**WAC 174-12-040 Procedure.** (1) Equal opportunity employment officer – the president shall designate an individual who is a full time employee of the college to serve as the college's equal opportunity employment officer. This individual shall be responsible to the president for insuring compliance with the policy as set out herein.

(2) Compliance – in order to insure compliance with the policy as stated in WAC 174-12-030, a copy of this affirmative action program will be issued to all current and new employees. In addition any individual or group with which the college does business will be made aware of this program and the expectations placed on that individual or group by the college as a requisite for continuing to do business with the college. Anyone who does not comply with this program can expect to be dealt with in a firm manner.

Any contract entered into between the college and an individual or group will include the appropriate language from state and/or federal guidelines which require non-discrimination in employment. The guidelines to be included are referenced in Exhibit I.

(3) Recruitment – any individual within the college community who has the responsibility of employing or

admitting new members to this college will be responsible for insuring that his recruitment includes affirmative efforts to recruit minorities and females. The primary individuals having responsibility for these efforts are:

(a) Director of admissions – for recruitment of all students admitted to the college.

(b) Vice presidents – for recruitment of exempt personnel within their respective areas of responsibility.

(c) Director of personnel – for all classified staff employees.

In order to monitor the success of these recruitment efforts each of the individuals identified above will be responsible for compiling a recruiting report on each position filled (Exhibit II). The director of admissions will compile a similar report after each recruiting effort of students. This report will include total number of individuals recruited, total number of minorities and females recruited and subtotal by categories of race and sex required in Exhibit II.

Each of the offices as identified above will maintain a current and updated listing of the recruitment sources utilized.

(4) Coordination – to insure that the policies and procedures set out herein are coordinated towards attaining institutional affirmative action goals, those persons designated as responsible for employing or admitting new members to the college in WAC 174-12-030(3), (a), (b), (c) above shall meet together from time to time. To evaluate the affirmative action program and to make necessary recommendations or policy changes to keep such policies and procedures current, the college's equal employment officer will, whenever he considers it appropriate, convene a disappearing task force to include the responsible individuals designated in WAC 174-12-030(3), (a), (b), (c) above, members of the student body, and other members of the college community which he considers appropriate as a task force for this purpose. [Order 174-12, § 174-12-040, filed 11/5/71.]

**Reviser's note:** References in WAC 174-12-040(4) to 174-12-030 probably should refer to WAC 174-12-040.

**WAC 174-12-050 Affirmative action goals—Report.** (1) Goals – to insure that the college's affirmative action program is continually operating towards attaining and/or maintaining a fair representation of minority and female members (employees and students) within the college community the following affirmative action goals are hereby established. These goals are to represent a minimum against which affirmative action efforts will be directed and will not represent a quota to be considered an absolute. The employment goals are also to reflect a proportionate representation in all categories and all levels of employment. The goals are as follows:

(a) Minority hiring goal – 15 percent.

(b) Female hiring goal – 30 percent.

(c) Minority student goal – 25 percent.

(d) Female student goal – 50 percent.

(2) Reports – to monitor how successful the efforts are in attaining the above goal a quarterly minority/female employee report (Exhibit III) will be published. This report will be generated based on data in

the position personnel control system. A similar report will be published reflecting the minority and female representation within the student body. These reports and the recruitment reports will be analyzed on a regular basis by the equal employment officer. A semi-annual report will be published and forwarded to each budgetary unit with specific recommendations for improvement. An annual report including the present status of the program, action taken over the past year, and recommendations for future will be compiled and forwarded to the president and the board of trustees. [Order 174-12, § 174-12-050, filed 11/5/71.]

**WAC 174-12-060 Complaint of discrimination--Grievance procedure.** Any individual who feels he has been discriminated against by either the college or individual members of the college community may file a complaint. If the complainant is a member of the college staff, he should first file his complaint with his immediate supervisor. If he is a member of the student body, he should first file his complaint with his program coordinator. If it is not resolved at this level to the complainant's satisfaction within five days, he should file a written complaint with the appropriate vice president. If it is not resolved at this level to the complainant's satisfaction the complaint will be subject to the college-wide grievance procedure.

If the complainant is not a member of the Evergreen community he should file his complaint with the equal employment officer. All such complaints should be in written form and it will be the responsibility of the equal employment officer to attempt to resolve the complaint in accordance with the intent of this document. [Order 174-12, § 174-12-060, filed 11/5/71.]

**WAC 174-12-990 Exhibit I--Contractors' agreements.**

**EXHIBIT I.**

All contracts for goods and/or services entered into between the college and individuals or groups will include the appropriate language as required by the state department of general administration, division of architecture and engineering, or division of purchasing. These offices should be contacted for current language of guidelines.

All contracts entered into by the college where Federal Department of Housing and Urban Development funds are used will include the verbatim language as follows:

**CONTRACTORS' AGREEMENTS**

Sec. 202. Except in contracts exempted in accordance with section 204 of this order, all government contracting agencies shall include in every government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race,

creed, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing

such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by

the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States." [Order 174-12, Exhibit I (codified as WAC 174-12-990), filed 11/5/71.]

**WAC 174-12-99001 Exhibit II--Equal employment opportunity activity report.**

EXHIBIT II.

EQUAL EMPLOYMENT OPPORTUNITY ACTIVITY REPORT

BUDGETARY UNIT \_\_\_\_\_

MONTH ENDING \_\_\_\_\_

COMPILED BY \_\_\_\_\_

SOURCE CODE NUMBERS:

- 1. Off the street (walk-in)
- 2. Recall from layoff
- 3. Employment agency (Identify)
- 4. Advertising (specify)
- 5. Employee referral
- 6. Application being renewed
- 7. Other minority group referral
- 8. Other (college recruitment, etc.)

Name	Date Applied	Position for Which Applied	White	Negro	Indian	SSA	Other	Was Applicant Hired		Source of Referral	If applicant rejected note the principal reason
								Yes	No		

[Order 174-12, Exhibit II (codified as WAC 174-12-99001), filed 11/5/71.]

**WAC 174-12-99002 Exhibit III--The Evergreen State College minority/female employee report.**

EXHIBIT III.

THE EVERGREEN STATE COLLEGE  
**Minority/Female Employee Report**

Budgetary Unit: \_\_\_\_\_ Unit Head: \_\_\_\_\_ Date \_\_\_\_\_

1. CONTINUING, PERMANENT EMPLOYEES (full time, part time)

Job Categories	All Employees			Minority Group Employees									
	Total	Male	Female	Male					Female				
				Amer. Indian	Negro	Orient	Spanish Surname	Other	Amer. Indian	Negro	Orient	Spanish Surname	Other
1	2	3	4	5	6	7	8	9	10	11	12	13	
Exempt													
Admin. Exempt													
Faculty													
Classified													
Professional													
Tech/Scientific													
Office/Clerical													
Maint/Craft													
Custodial/Ground													
Total													

2. TEMPORARY, NONPERMANENT EMPLOYEES

	1	2	3	4	5	6	7	8	9	10	11	12	13
Exempt													
Admin. Exempt													
Faculty													
Classified													
Professional													
Tech/Scientific													
Office/Clerical													
Maint/Craft													
Custodial/Ground													
Total													

[Order 174-12, Exhibit III (codified as WAC 174-12-99002), filed 11/5/71.]

**Chapter 174-104 WAC  
REGULAR AND SPECIAL MEETINGS OF THE  
BOARD OF TRUSTEES**

WAC  
174-104-010 Regular meetings.  
174-104-020 Special meetings.

**WAC 174-104-010 Regular meetings.** A regular meeting of the board of trustees shall be held once each month unless dispensed with by the board of trustees, on the campus of The Evergreen State College beginning at 1:30 p.m. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the Friday immediately following such second Thursday. [Statutory Authority: RCW

28B.40.120(11). 82-10-035 (Order 82-1, Motion No. 82-9), § 174-104-010, filed 4/30/82; 78-05-008 (Order 78-1, Resolution Motion 78-7), § 174-104-010, filed 4/7/78; Order 72-3, § 174-104-010, filed 10/27/72.]

**WAC 174-104-020 Special meetings.** The chairman of the board of trustees, or any two members thereof, may call special meetings of the board of trustees at any time. If a governing body does not meet at a regularly scheduled time as adopted by rule or regulation, then these sessions are special meetings under the law and written notice of the time, place and purpose thereof must be provided to its members and to certain news media 24 hours in advance. [Order 72-3, § 174-104-020, filed 10/27/72.]

## Chapter 174-107 WAC

## GOVERNANCE AND DECISION-MAKING

## WAC

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**WAC 174-107-100 Definitions.** (1) **Adjudicator:** Designated community member who is responsible for reviewing a variety of situations involving social, emotional, and/or behavioral problems.

(2) **Consultative constituency groups:** A group usually composed of one constituency of the campus, that provides advice to an administrator on issues principally pertinent to that constituency, e.g. faculty meetings, the president's council.

(3) **DTF (disappearing task force):** The ad hoc committee system at Evergreen by which community involvement in decision-making is sought, policy developed and faculty and administrators hired.

(4) **DTF implementation/review committee of the Evergreen council:** This is a subcommittee of the council. Its responsibility is to receive the charge and membership and final report of all DTF's; maintain file on each DTF charged including the response to the final report made by decision-maker or charger of the DTF. In addition, this subcommittee may pursue any issues in the DTF report or response that it deems appropriate.

(5) **Evergreen community:** Currently enrolled or on leave students and all staff and faculty in pay or on leave status.

(6) **Evergreen council:** The campus advisory and deliberative body.

(7) **Executive committee of the Evergreen council:** Four members of the council, who are selected by the council to serve as the facilitators for campus governance.

(8) **Grievable issues:** Any issues that arise as a result of a proposed or promulgated policy; or as a result of decisions made under existing campus policy to which a community member objects; or points of conflict between individuals concerning issues over which the college has final determination.

(9) **Grievance procedures:** Formal procedure through which members of the community seek to resolve points of disagreement involving a campus promulgated rule or decision.

(10) **Hearing board subcommittee:** This is a subcommittee of four members of the council. Chaired by either a faculty member or a staff member for continuity purposes, its responsibility is to adjudicate any conflicts referred to it by the executive committee.

(11) **Mediator:** Designated intervenor in potential conflicts between two members or groups of the community.

(12) **Nongrievable issues:** Any issue over which the college lacks final determination, including but not limited to: Points covered by federal or state law; contractual agreements between the college and noncommunity members; collective bargaining agreements, affirmative action complaints.

(13) **Social contract:** This bill of rights and responsibilities outlines a statement of philosophy and a code of behavior and expectations for all members of the Evergreen community.

(14) **Standing committees:** Annually reconstituted committees whose function is necessary or desirable for the foreseeable future. These committees may either be advisory or have decision-making authority delegated from an administrator. The committees will be composed of representatives of all four constituencies (e.g., faculty leaves committee, staff professional development committee, S and A board, farm board, environmental advisory committee, visual environment committee). [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-100, filed 7/22/83.]

**WAC 174-107-110 The social contract--General.** Evergreen is an institution and a community that continues to organize itself so that it can clear away obstacles to learning. In order that both creative and routine work can be focused on education, and so that the mutual and reciprocal roles of the campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-110, filed 7/22/83.]

**WAC 174-107-120 The social contract--Purpose.** (1) The Evergreen State College requires a social contract rather than a list of prohibitions and negative rules. Evergreen can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degree and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform. All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

(2) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-120, filed 7/22/83.]

**WAC 174-107-130 The social contract--Freedom and civility.** The individual members of the Evergreen community are responsible for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Civility is not just a word; it must be present in all our interactions. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. Members of the community must exercise the right accorded them to voice their opinions with respect to basic matters of policy and other issues. The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college. The board of trustees or the president speak on behalf of the college and may at times share or delegate the responsibility to others within the college. Among the basic rights of individuals are freedom of speech, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence, and abuse. [Statutory Authority: RCW

28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-130, filed 7/22/83.]

**WAC 174-107-140 The social contract--Individual and institutional rights.** Each member of the community must protect: (1) The fundamental rights of others in the community as citizens; (2) the right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources of people, materials, equipment and money; (3) the rights and obligations of Evergreen as an institution established by the state of Washington; and (4) individual rights to fair and equitable procedures when the institution acts to protect the safety of its members. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-140, filed 7/22/83.]

**WAC 174-107-150 The social contract--Society and the college.** (1) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

(2) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.

(3) Evergreen has the right to prohibit individuals and groups from using its name, its financial or other resources, and its facilities for commercial, or political activities. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-150, filed 7/22/83.]

**WAC 174-107-160 The social contract--Prohibition against discrimination.** There may be no discrimination at Evergreen with respect to race, sex, age, handicap, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy (see Evergreen administrative code chapter 174-109 WAC, Equal opportunity policies and procedures--Affirmative action program). Affirmative action charges shall not be handled through the governance document because of the legal implications of such matters. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-160, filed 7/22/83.]

**WAC 174-107-170 The social contract--Right to privacy.** (1) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.

(2) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of



privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(3) Evergreen does not stand *in loco parentis* for its members. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-170, filed 7/22/83.]

**WAC 174-107-180 The social contract--Intellectual freedom and honesty.** (1) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying the freedom to explore ideas and to discuss their explorations in both speech and print. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, violate the principle of free inquiry.

(2) An essential condition for learning is the freedom and right on the part of an individual or group to express minority, unpopular, or controversial points of view. Only if minority and unpopular points of view are listened to, and are given opportunity for expression will Evergreen provide bona fide opportunities for significant learning.

(3) Honesty is an essential condition of learning, teaching or working. It includes the presentation of one's own work in one's own name, the necessity to claim only those honors earned, and the recognition of one's own biases and prejudices. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-180, filed 7/22/83.]

**WAC 174-107-190 The social contract--Open forum and access to information.** (1) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place and use of Evergreen facilities in these activities. Meetings of public significance cannot be held in secret.

(2) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.

(3) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(4) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(5) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status or role in the community. [Statutory

Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-190, filed 7/22/83.]

**WAC 174-107-200 The social contract--Political activities.** The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to recognize and support its community's members' rights to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-200, filed 7/22/83.]

**WAC 174-107-210 The legal nature and status of The Evergreen State College.** (1) The Evergreen State College, established in Thurston County by the 1967 Washington state legislature, operates under the provision of the Revised Code of Washington (chapter 28B.40 RCW).

(2) The board of trustees is responsible for the promulgation and approval of the policies and procedures that are required in the operation of the college. These policies and procedures include but are not limited to: Institutional goals and objectives, control and disbursement of funds, erection and construction of buildings and other facilities. The five members of the board of trustees are appointed by the governor with the consent of the senate for six-year overlapping terms. Evergreen's president is chosen by and is directly responsible to the board of trustees for executive direction and supervision of all operations of the college. The president is appointed for a six-year term, reviewable annually and renewable for one additional six-year term. The trustees and the president in turn delegate many duties and responsibilities to others in the Evergreen community.

(3) The governance system recognizes that Evergreen is bound by at least two sets of laws and regulations. The first set includes those federal, state, and local regulations which are legal in nature and binding upon all public institutions. The second set of rules and regulations and procedures, promulgated by Evergreen for internal use, make up the system of governance designed to advance the goals and objectives of the college. The campus grievance procedure and mediation process is not intended to handle issues or conflict that are governed by legal forums, such as the Revised Code of Washington or contractual or bargaining agreements. The governance system is intended to provide an avenue of response and participation under campus promulgated rules and regulations. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-210, filed 7/22/83.]

**WAC 174-107-220 Standards for decision-making and governance at Evergreen.** (1) Evergreen must have an acknowledged governance day so that administrative



responsibilities of the community members will not interfere with the productivity, service and creativity of the campus. This day shall also be utilized for faculty and student preparation, research and consultation. To this end all general campus governance (faculty meetings, DTF's, and standing committees) shall, whenever possible, take place on Wednesdays. No permanent scheduling of classes or labs shall be held on Wednesday prior to 5:00 p.m. Temporary scheduling of day time classes may be made on approval of the academic deans.

(2) Decisions and methods to be used for their implementation must be handled at the level of responsibility and accountability closest to those affected by a particular decision. Those persons involved in making decisions must be held accountable. "Accountable" means subject to consequences, commensurate with the seriousness of the decision. Decisions must be made only after consultation with those who are affected by the issue. Consultation must be a formal process to assure the widest possible community involvement.

(3) Location of those responsible for the functioning of various areas of the community is identified in the college's organization chart, the faculty handbook, and the Evergreen Administrative Code. Delegated duties and responsibilities should be made as explicit as possible, and information regarding the decision-making roles of various members of the Evergreen community should be made easily available.

(4) Evergreen's system of governance must provide an opportunity for participation by members of the Evergreen community.

(5) The community must avoid fractioning into decision-making constituency groups. Members may form consultative constituency groups that augment the decision-making process.

(6) Evergreen wishes to avoid the usual patterns of extensive standing committees and governing councils. Instead, the community uses short-term ad hoc committees named disappearing task forces (DTF) for the purposes of gathering information, preparing position papers, proposing policy, or offering advice. All DTF meetings are open to the public and the DTF must provide advance notice of time, date and location of meetings through the campus newsletter in the college relations office and if possible through the student newspaper.

Standing committees are discouraged, but should a standing committee be deemed essential, those desiring to establish such must submit a request to the Evergreen council through the president's office (see Evergreen council for procedures).

(7) Wherever possible decision-making groups should use the consensus approach.

(8) In cases of conflict, due process procedures set forth in the appropriate sections of the WAC/EAC must be followed.

(9) Governance procedures must be flexible enough to change as the institution changes and must, therefore, provide for an amendment procedure and periodic evaluation. [Statutory Authority: RCW 28B.40.120(11). 83-

16-009 (Order 83-3, Resolution No. 83-32), § 174-107-220, filed 7/22/83.]

**WAC 174-107-230 Implementation of governance policies and procedures: The Evergreen council.** The Evergreen council serves as a central forum where students, faculty, administrators and staff may meet for action, discussion and advice on issues affecting the college and its members. It shall act as advocate for the governance and decision-making document.

The council will have an active function of investigating, reporting and recommending on issues brought by members of the community. The council also will have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with those principles. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-230, filed 7/22/83.]

**WAC 174-107-240 The Evergreen council--Membership.** (1) The membership of the council shall consist of regular members and alternates. The president, four exempt staff, four classified staff, four faculty, and four students shall be regular members. Two exempt staff, two classified staff, two faculty, and four students shall be the alternates.

(2) Members shall be selected randomly by the president's office using the institutional computer roster.

(3) Terms on the Evergreen council shall be for one year, except as noted elsewhere in this document. No one but the president will be expected to serve more than one term, except as noted elsewhere in this document.

(4) Only the members of the council may vote at council meetings or participate in consensus decisions.

(5) The president shall convene a meeting of the council within thirty days of appointment with appropriate notice to the community.

(6) The names of the members shall be published quarterly in the student newspaper and the campus newsletter. Posters shall be printed annually with the names and telephone numbers of the members, the chairman of each subcommittee, and the names and telephone numbers of the executive committee. These posters shall include information about the Evergreen council and the grievance procedures.

(7) Membership on the council is obligatory on any member of the Evergreen community when that person is selected for service, unless he or she is excused for good cause. Faculty are required to allow student members a reasonable time from class sessions for their council service without penalty. Program covenants will acknowledge the responsibility of students and faculty to serve on the council, if selected. Appointment letters to staff and faculty contracts will acknowledge the responsibility to serve. Supervisors are required to release subordinates who are members of the council and to allow reasonable time away from other duties for council service, also without penalty. Membership on the council will provide an exemption from DTF service. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order

83-3, Resolution No. 83-32), § 174-107-240, filed 7/22/83.]

**WAC 174-107-250 The Evergreen council--The executive committee.** (1) The executive committee, a committee of four, one from each constituency, shall serve as the adjudication center on issues dealing with the governance document. The committee shall decide if an issue is covered by the governance document and whether the issue shall be considered by the council. The committee shall be the focal point for all issues on campus. It will be the responsibility of the committee to assure timely and fair resolution of all issues and grievances filed with the council.

(2) The committee shall organize itself within ten working days of selection by the council and will publicly announce its readiness to consider issues. The executive committee shall meet at least weekly at a regular time and place.

(3) The committee will make all determinations that involve interpretations or challenges to COG, including determinations as to whether an issue is covered by the grievance procedure. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-250, filed 7/22/83.]

**WAC 174-107-260 The Evergreen council--Subcommittees.** There will be minimum of two subcommittees within the council: The hearing board and DTF implementation/review committee. The council shall establish ad hoc committees or other subcommittees as issues dictate.

(1) **Hearing board subcommittee** will be composed of four members: One faculty, one exempt, one classified staff, and one student. For purposes of continuity a staff or faculty member shall serve as chair of this subcommittee. Members will be selected randomly from the constituency groups of those individuals previously selected for council membership. Hearing board members will be members of the council but shall serve for five quarters rather than four. During the fifth quarter the board will provide continuity to the council and will assist the new hearing board in organizing itself. The incoming hearing board shall adjudicate any issues that occur after its selection. The outgoing hearing board shall handle any issue that is submitted before the new board is constituted, and shall be discharged at the time the new board is constituted. (See WAC 174-107-400 for specific responsibilities and procedures of the hearing board.)

(2) **DTF implementation/review committee of the Evergreen council:** This is a subcommittee of the council. Its responsibility is to receive the charge and membership and final report of all DTF's; maintain file on each DTF charged including the response to the final report made by decision-maker or charger of the DTF. In addition, this subcommittee may pursue any issues in the DTF report or response that it deems appropriate. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-260, filed 7/22/83.]

**WAC 174-107-270 The Evergreen council--Ad hoc committees.** Ad hoc committees may be established to address specific issues or carry out particular activities of the council. Members from the community shall be appointed by the full council as appropriate. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-270, filed 7/22/83.]

**WAC 174-107-280 The Evergreen council--Standing committees and consultative constituency groups.** (1) The council has the authority and responsibility to review and act upon requests for establishment of official consultative constituency groups.

(2) The council shall establish or act on a request to establish all standing committees. All existing or newly requested standing committees must seek annual recognition for the council. The request must include the reason for establishment of the committee and the role of the committee as an adjunct to decision-making.

(3) Each committee shall have a life of one calendar year. The committee must be reconstituted annually and be approved by the Evergreen council. Failure to seek reconstitution will result in the committee's loss of standing on campus. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-280, filed 7/22/83.]

**WAC 174-107-290 The Evergreen council--Community access.** (1) Any member of the Evergreen community wishing to bring a matter before the council shall submit a written statement of the question, grievance, problem or proposal to the executive committee of the council in care of the office of the president which shall immediately forward all correspondence to the executive committee. The executive committee shall decide within eight days to:

(a) Forward the matter to the committee-of-the-whole (i.e., the entire council) for consideration;

(b) Decline to investigate or carry the matter to the committee-of-the-whole either because it is trivial or lies outside the council's jurisdiction or violates the intent of the document; or

(c) Refer matters back to appropriate office or person, or campus mediator or to the appropriate subcommittee.

(2) The community member shall be advised in writing within nine days as to which procedure shall be followed.

(3) The community member shall be notified in writing within thirty days of the resolution or recommended action by the council. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-290, filed 7/22/83.]

**WAC 174-107-300 The Evergreen council--The agenda.** (1) Matters referred to the council by a subcommittee;

(2) Matters referred to the council by the executive committee;

(3) Matters placed on the agenda by two members of the council. [Statutory Authority: RCW

28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-300, filed 7/22/83.]

**WAC 174-107-310 The Evergreen council--Meetings.** (1) The council shall meet at least monthly during the academic year, at a regular time and place established by the executive committee. In addition, five members can call a meeting. All meetings of the council, and the agenda for the next meeting, must be announced at least one week in advance through the college newspaper (if it is published during that period), on KAOS, the campus newsletter (or in a written announcement delivered to every office on campus if the newsletter is not published during that week) and in notices posted prominently around the campus.

(2) Those members of the council who are present constitute a quorum. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-310, filed 7/22/83.]

**WAC 174-107-320 The Evergreen council--Minutes of meetings.** (1) Minutes shall be made at regular or special council meetings; recording equipment and supplies, or staff shall be the responsibility of the president's office.

(2) Minutes will be distributed five days after the meeting through the usual communications' channels, including the campus newsletter and student media. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-320, filed 7/22/83.]

**WAC 174-107-330 The Evergreen council--Actions of council.** The council has the authority to call witnesses, review any document except those subject to personnel regulations, security generated, or registration records of students, and to hold open hearings and forums. At the conclusion of its deliberation, the council may:

- (1) Rule in favor of either side or neither;
- (2) Set up a DTF to investigate an issue or formulate a policy;
- (3) Issue a public comment or judgment;
- (4) Censure either side or both;
- (5) Forward an issue to the board of trustees, through the president's office;
- (6) Any combination of all of the above. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-330, filed 7/22/83.]

**WAC 174-107-340 The Evergreen council--Relationship with administrators.** Notice of action will be given to the appropriate administrator for implementation as necessary. The administrator will give the council a summary of his/her implementation or refusal thereof within thirty calendar days of receipt of the notice. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-340, filed 7/22/83.]

**WAC 174-107-350 The Evergreen council--Appeals from and notification of decisions or findings.** (1) Decisions of the Evergreen council may be appealed to the trustees within thirty calendar days. No appeal shall be heard from an appellant who has failed to participate in the process prior to the decision. Appeals beyond the council must be made in accordance with WAC 174-107-530.

(2) All actions of the council shall be made public through publication in the campus newsletter, and whenever possible, through college newspaper, and broadcasting on campus radio station. Decisions of the council will be available at the information center and posted in several prominent locations on campus. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-350, filed 7/22/83.]

**WAC 174-107-360 Conflict resolution, general.** Members of the Evergreen community who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves before recourse to mediation and grievance procedures.

(1) Mediation and grievance procedures are set up to serve currently enrolled students and current campus employees. However, former students and employees shall be permitted to grieve issues within the time frame in subsection (2) of this section if the adverse action occurred while the individual was in current status and if the adverse action is covered by the COG document.

(2) Issues covered by the governance document must be grieved within sixty days of receipt of notice of the adverse action.

(3) A determination notice will be issued by the Evergreen council or its subcommittees, within thirty days of the petition date.

(4) In disputes concerning timelines the executive committee of the Evergreen council will consider receipt of notice to be a reasonable time after the date of any official documents are issued. However, the Evergreen council may determine appropriate deviations from these time frames for good and sufficient reasons.

(5) Discrimination complaints and all other disputes covered by the Revised Code of Washington, federal and local regulations which are of a legal nature and binding on all public institutions or contractual agreements shall not be referred to the campus grievance procedure. The attorney general shall serve as advisor to the executive committee should a ruling on jurisdiction be required. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-360, filed 7/22/83.]

**WAC 174-107-370 Mediation/mediator.** (1) **Mediator:** Designated intervener in potential conflicts between two members or groups of the community. Individuals in the community should contact the mediator before requesting access to the grievance procedure.

(2) When unable to work out their difference one-to-one, the aggrieved parties shall contact the campus mediator for assistance. The mediator may appoint a third party mediator (m) if the parties fail to agree upon one, or the mediator may serve as the mediator him/herself. The mediator may, if appropriate, refer the party or parties to the adjudicator. Mediation implies deliberation that attempts to result in a solution that will be accepted by the contending parties.

(3) If one party refuses to participate in third party mediation, the campus mediator may refer the issue to the hearing board through the executive committee.

(4) The third party mediation process is deliberately left unstructured; this is done to give the third party mediator the widest possible latitude; the mediator may, at his or her option, adopt any rules or procedures deemed necessary for the orderly resolution of the dispute.

(5) Within five work days of conclusion of mediation, the mediator shall send a summary statement of the nature of the conflict to the executive committee, through the president's office with a copy to the disputants. Mediation should be concluded within ten class days of the request for mediation. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-370, filed 7/22/83.]

**WAC 174-107-380 Mediator of legal issues.** (1) In the event of action by authorized administrators which result in an action against a student that involves social, mental/medical incapacity, trespass orders issued on behavioral problems on campus, a student wishing to appeal these actions must request a hearing with the mediator within ten days.

(2) The mediator shall, upon receipt of the letter requesting a hearing, notify the administrator and shall hold a hearing on the issue.

(3) The mediator will, within three days, render a decision or notify both parties that additional information is required before a decision can be made.

(4) The decision of the mediator may be appealed to the president within ten class days.

(5) The decision of the president shall be final. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-380, filed 7/22/83.]

**WAC 174-107-400 Hearing board procedures.** (1) Twelve temporary members (three from each constituency group) will be selected from the computer run for one hearing only to join the four regular members. These twelve temporary members will be a pool of available replacements for regular members of the board who disqualify themselves or are disqualified through challenge. Any such replacements must be from the constituency group of the member leaving.

(2) The first responsibility of hearing board members is to their education and work commitments. To insure that the hearing board does not become overworked, regular members may petition the executive committee

to convene a supplemental hearing board from the Evergreen council to hear cases if the board feels it is overloaded.

(3) The hearing board cannot hear cases which challenge this governance document. (See WAC 174-107-250(3).) [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-400, filed 7/22/83.]

**WAC 174-107-410 Petition for hearing and preliminary procedures.** If third party mediation has failed, a disputant who wishes to pursue resolution of a dispute may petition in writing for a hearing within five days of receipt of mediator findings.

(1) Petition for a hearing:

(a) All requests for hearings shall contain the following:

(i) Specific charges or issues for review and response; a hearing will reply only to charges or issues stated in the petition.

(ii) Specific actions or remedy requested.

(b) The petitioner shall deliver a copy of the petition to the other party or agent in the dispute at the time it is submitted to the president's office. The respondent shall be entitled to file a response to the petition, but the time lines will continue to be met while (b) is being accomplished.

(2) Within five class days of receiving a petition for a hearing, the hearing board will convene to review the petition and the mediator's statement, and respond in writing to the disputants accepting or rejecting the case, or clearly stating the conditions which must be met before the request can be accepted. The hearing board may question the executive committee whether the issue is/is not grievable through COG. The executive committee may seek assistance from the attorney general. A decision not to hear a case may be appealed to the board of trustees if the appellant has participated in mediation, and if the appellant has followed the requirements of the hearing board. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-410, filed 7/22/83.]

**WAC 174-107-420 Hearing board chairperson.** (1) The hearing board chairperson will inform the disputants of the date, time, place of the hearing and procedures to be followed. The hearing shall commence within ten class days of acceptance by the hearing board.

(2) The chairperson of the hearing board shall notify disputants in advance of the hearing of time limits for presentation of the issue. Each side may allocate this time as it sees fit. Time for cross-examination will not count against either side, but may be limited. Time required of resource persons requested by the hearing board will likewise not count against either side, but may be limited. The board may modify the time limit if it feels the need. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-420, filed 7/22/83.]

**WAC 174-107-430 Requirements of disputants.** (1) The hearing board may wish to have both parties submit a short and plainly written statement or the matters of positions asserted before the hearing convenes. If so, the chairperson shall request such from each party at the time of notification of the hearing. All documents will be shared with all principals in the dispute.

(2) Each party in the dispute may select one spokesperson. Disputants may be represented by a designee not party to the dispute, but the disputants must participate in order to have the right of appeal.

(3) Petitioner and respondent are responsible for reporting the names of their witnesses and spokesperson, at least three days in advance of the hearing to the chairman of the board and to each other and for insuring that witnesses on their behalf appear at the hearing.

(4) Failure to participate shall not be considered as a good or sufficient reason to postpone the hearing. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-430, filed 7/22/83.]

**WAC 174-107-440 Guidelines: The hearing.** (1) The hearing is not a trial, but a forum for full expression of differences. Fairness and truth must be the responsibility of all participants.

(2) The person pressing the complaint is the petitioner. The person responding to the complaint is the respondent. The petitioner and respondent collectively are known as the disputants.

(3) Both parties in the dispute have a right to a fair hearing. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-440, filed 7/22/83.]

**WAC 174-107-450 Admissible documents.** When a hearing board proceeding is held following conclusion of mediation, the hearing shall be conducted without any reference to the mediation report. Further, statements, testimony, and all other evidence given during mediation shall be confidential and shall not be subject to discovery or released to anyone, without permission of the person who divulged the information (RCW 28B.19.120(4)), and the permission of the disputants. However, the summary statement of the mediator is not confidential and shall be considered a matter of public record. (See mediation (5).) [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-450, filed 7/22/83.]

**WAC 174-107-460 Components of hearings.** Meetings of the hearing board include hearings and deliberations. Hearings shall be open to the community. Deliberations will be closed unless the board unanimously agrees that they will be open. That decision may be re considered at any point during the deliberations. "Open meeting" means that observers not directly involved in the case may observe but not participate in discussion. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-460, filed 7/22/83.]

**WAC 174-107-470 Challenges to board members.**

(1) As soon as the hearing board convenes, any of the hearing board members is subject to challenge by each side represented in a dispute. Each side may preemptorily request the removal of one member of the board.

(2) Disputants must show cause for additional challenges, which are unlimited, if good cause is shown. The hearing board chair shall judge whether good cause is shown. Challenged members are to be replaced by alternate members, previously selected from the constituency groups. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-470, filed 7/22/83.]

**WAC 174-107-500 Presentation of evidence.** (1) Petitioner may first present a brief opening statement. Respondent may follow with a brief opening statement.

(2) Petitioner may present witnesses along with pertinent, supportive evidence. Subsequent to each witness' testimony, respondent may cross-examine; redirect is allowed and recross-examination, if necessary.

(3) Respondent may present witnesses along with pertinent, supportive evidence. Subsequent to each witness' testimony, respondent may cross-examine; redirect is allowed and recross-examination, if necessary.

(4) Petitioner shall present his/her closing arguments, then the respondent shall present his/her closing arguments.

(5) The chairperson of the hearing board is responsible for the smooth functioning of the hearing and providing for a fair hearing for both sides. For example, the chairperson may interrupt to keep the hearing pertinent to the issues and keep hearsay evidence off the records. The chairperson shall rule on procedural objections from the disputants. During the proceedings hearing board members upon recognition from the chair may ask questions which they feel are important to their understanding of the issues or facts. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-500, filed 7/22/83.]

**WAC 174-107-510 Timelines for hearing.** (1) The board may grant delays in the hearing proceedings for valid reasons. For example, the board may wish to allow temporary adjournment to permit a party to respond to new and unexpected material coming to light during the hearing.

(2) The hearing board shall reach a decision within thirty days of receipt of petition for hearing. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-510, filed 7/22/83.]

**WAC 174-107-520 Hearing board deliberations and decisions.** (1) The hearing board, in deliberating, will consider only the merits of the case and not the consequences of its decision. Finding of fact shall be based exclusively on the evidence and on matters officially noticed.

(2) The hearing board will provide to both parties written notice of its decision within ten days of the close of the hearings, or within thirty class days of filing of original petition, whichever is greater.

(3) The community members shall have access to a transcript or record of the hearings and findings of the hearing board.

The record in a contested case shall include:

- (a) All documents, motions, and intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and rulings thereon;
- (e) Proposed findings and exceptions; and
- (f) Any decision, opinion, or report by the chairperson presiding at the hearing.

(4) The board may elect, upon group unanimous vote, to divulge the contents of closed deliberations verbally or in written form. All communication concerning deliberations shall be from the chair of the board. Board members must agree never to discuss the decision or the deliberations.

(5) Oral proceedings may be transcribed if necessary for the purposes of trustees' rehearing or review. A copy of the record or any part thereof will be furnished upon request and payment of the costs of transcription or duplication. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-520, filed 7/22/83.]

#### **WAC 174-107-530 Appeals from hearing decisions.**

(1) Appeal beyond the campus hearing board may be made by a petition to the board of trustees within ten days. Such an appeal request may only be accepted if the appellant participated in mediation and in the hearing. The decision may be challenged if it:

- (a) Is clearly erroneous in view of the entire record as submitted;
- (b) Is arbitrary or capricious;
- (c) Is beyond jurisdiction of Evergreen (i.e., is covered by federal, state, local statutes);
- (d) Is contrary to usual practice at Evergreen.

(2) The appeal may include only information entered into the hearing record. No new material may be offered during the appeal hearing.

(3) If neither party appeals within ten days of issuance, the decision shall be made final and published within the appropriate news sources. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-530, filed 7/22/83.]

**WAC 174-107-540 Amending procedure for governance document.** (1) Amending of this document may be initiated by filing a notice of change with the Evergreen council. The notice shall contain a narrative of the reason for the change desired, the section to be amended or emended/presented in code reviser's language.

(2) The executive committee shall call a meeting of the council to consider the change.

(3) The council may hold hearings, poll the campus and/or review past practices. It is the responsibility of

the council to notify the petitioner of what procedure will be followed in the review of the section of this document that is in question. The council must provide the petitioner with any/all documents used in the review. The petitioner may, if he/she desires, serve as an ex officio member of the council during the deliberations.

(4) Within thirty days the council shall forward a statement of its position to the president's office for consideration by the board of trustees along with the original petition for change.

(5) The trustees shall notify the campus as per the usual public notice requirements before any action is taken on a proposed change. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-540, filed 7/22/83.]

#### **WAC 174-107-550 Evaluation of governance.** (1)

The president will, on April 30th of every fourth year, ask the Evergreen council to convene a DTF on governance which will include faculty, staff, students and a member of the board of trustees to evaluate the Evergreen governance system.

(2) It will be the responsibility of the DTF to affirm the effectiveness of the system or to propose changes. When the DTF has completed its deliberations, it will schedule a series of open meetings, inviting all members of the community to discuss further revision before forwarding the final document by April 30 to the president for implementation the fifth year in September. [Statutory Authority: RCW 28B.40.120(11). 83-16-009 (Order 83-3, Resolution No. 83-32), § 174-107-550, filed 7/22/83.]

### **Chapter 174-108 WAC**

#### **GOVERNANCE AND DECISION-MAKING AT THE EVERGREEN STATE COLLEGE--PUBLIC RECORDS**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 174-108-040 The information and communications center. [Order 1, § 174-108-040, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-04001 Patterns of administrative decision-making. [Order 74-3, § 174-108-040 (codified as WAC 174-108-04001), filed 6/18/74.] Repealed by Order 77-2, filed 11/14/77.
- 174-108-050 The college forum. [Order 1, § 174-108-050, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-05001 Initiative processes. [Order 74-3, § 174-108-050 (codified as WAC 174-108-05001), filed 6/18/74.] Repealed by Order 77-2, filed 11/14/77.
- 174-108-060 The college sounding board. [Order 1, § 174-108-060, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-070 Accomplishment of objectives--Patterns of administrative decision-making. [Order 1, § 174-108-070, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-080 Three major avenues for consultation and advice. [Order 1, § 174-108-080, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-090 Initiative processes. [Order 1, § 174-108-090, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-100 Adjudication of disputes, grievances, and appeals. [Order 1, § 174-108-100, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-110 All-campus hearing board. [Order 1, § 174-108-110, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-120 Evaluation of governance. [Order 1, § 174-108-120, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.
- 174-108-130 Fundamental principles of decision-making--Evaluation--Appeals. [Order 1, § 174-108-130, filed 2/22/72.] Repealed by Order 75-5, filed 8/12/75.

**WAC 174-108-010 Introduction--Guidelines to governance and decision-making.** (1) Evergreen is an institution in process. It is also a campus community in the process of organizing itself so that it can work toward clearing away obstacles to learning. In order that both creative and routine work can be focused on education, and so the mutual and reciprocal roles of the campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required.

(2) To accomplish these ends, governance and decision-making in the Evergreen community must have the following qualities:

(a) The procedures must reflect the Evergreen approaches as stated in the college bulletin to facilitate learning, and recognize the responsibility of the president and the board of trustees for institutional direction.

(b) Decisions, and methods to be used for their implementation must be handled at the level of responsibility and accountability closest to those affected by a particular decision.

(c) Those persons involved in making decisions must be held accountable. "Accountable" means subject to consequences, commensurate with the seriousness of the decision as well as responsible for justifying it.

(d) Location of those responsible for the functioning of various areas of the community is identified in the college organization chart, the faculty handbook, and the Evergreen Administrative Code. Delegated duties and responsibilities should be made as explicit as possible, and information regarding the decision-making roles of various members of the Evergreen community should be made easily available. Members of the Evergreen council will also serve as information sources on these questions of locatability.

(e) Decisions must be made only after consultation and coordination with students, faculty, and staff who are both affected by and interested in the issues, except on those rare occasions in which circumstances do not allow formal consultation with those to be affected.

(f) In cases of conflict, due process procedures set forth in WAC 174-108-06001 through 174-108-06011 must be followed.

(g) Governance procedures must be flexible enough to change as the institution changes and must, therefore, provide an amendment procedure and periodic evaluation.

(h) Evergreen's system of governance must provide for the representation of and participation by all interested members of the Evergreen community.

(i) The Evergreen community should avoid fractioning into constituency groups which replace rather than augment the deliberations of bodies composed of all major constituencies.

(j) Groups should utilize a consensus approach in reaching decisions. The voting procedure should be used if consensus is unobtainable.

(k) If it is essential for standing committees or councils to exist, there must be a frequent turnover of membership, at least annually.

(l) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(m) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(n) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(o) Decision-making processes must provide equal opportunity to initiate and participate in policy-making, and Evergreen policies apply equally regardless of job



description, status or role in the community. [Order 77-2, § 174-108-010, filed 11/14/77; Order 74-3, § 174-108-010, filed 6/18/74; Order 1, § 174-108-010, filed 2/22/72.]

**WAC 174-108-020 The legal nature and status of The Evergreen State College.** (1) The Evergreen State College, established in Thurston County by the 1967 Washington state legislature, operates under the provision of the Revised Code of Washington (chapter 28B.40 RCW).

(2) Management of the college, care, and preservation of its property, erection and construction of necessary buildings and other facilities, and authority to control collection and disbursement of funds is vested in a five-member board of trustees appointed by the governor with the consent of the senate for six-year overlapping terms. Board members serve without compensation. The state attorney general's office is constitutionally established as the legal advisor to all state agencies and institutions. This agency provides legal counsel to the board of trustees, the president, and other designated members of the campus community. Evergreen's president is chosen by and is directly responsible to the board of trustees for executive direction and supervision of all operations of the college. The president of The Evergreen State College is appointed for a six-year term, reviewable annually, which term may be renewed for an additional six years for a maximum term of twelve years. The trustees and the president in turn delegate many duties and responsibilities to others in the Evergreen community.

(3) The governance system recognizes that Evergreen is bound by two sets of rules which are not viewed as being inconsistent or incompatible with the spirit of the college. The first set of rules includes those federal, state, and local regulations which are legal in nature and are binding upon all public institutions. The second set of rules makes up the system of governance designed to advance The Evergreen State College toward its goals and purposes. [Order 77-2, § 174-108-020, filed 11/14/77; Order 74-3, § 174-108-020, filed 6/18/74; Order 1, § 174-108-020, filed 2/22/72.]

**WAC 174-108-030 Information, communications and recordkeeping.** (1) It is the responsibility of the decision-makers (including heads of decision-making groups and quasi decision-making groups such as DTF chairpersons and program coordinators) to assess the potential sensitivity or importance of decisions being made or under consideration. Such decision-makers are accountable if subsequent events prove any withheld information to have been vital. Decision-makers must make use of available and appropriate communication means to disseminate the information. This section does not encourage a massive dissemination of trivia, but depends upon and encourages the good will and judgment of the decision-maker to maintain an open system of information flow leading to decision-making.

(2) The Evergreen community needs to be open, self-conscious and self-correcting if it is to be both viable and innovative. Primary responsibility for documenting

Evergreen's evolution lies with the president who, therefore, must see that the records of decision-making are kept.

(3) However, an efficient system of gathering historical data and Evergreen's evaluation system alone will not keep the community open and self-conscious. It is the responsibility of the Evergreen council to see that an ongoing system of information dissemination, evaluation, and correction is maintained. To this end, it ought to function as the critic of information flow and as requester of further information on specific issues. [Order 77-2, § 174-108-030, filed 11/14/77; Order 74-3, § 174-108-030, filed 6/18/74; Order 1, § 174-108-030, filed 2/22/72.]

**WAC 174-108-041 Evergreen council and DTFs.**

(1) The Evergreen council, which will meet at least bi-weekly, shall constitute the forum for discussion and advice on issues affecting the college.

The Evergreen council will also have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with those principles. Membership in the Evergreen community implies willingness to serve on the Evergreen council and to appear before it when requested.

(2) The membership of the Evergreen council will be constituted as follows:

(a) The president or in his/her absence an appointed presidential representative;

(b) Four exempt staff chosen by their colleagues;

(c) Five classified staff chosen by their colleagues;

(d) Five faculty chosen by their colleagues;

(e) Fifteen students chosen by the student body;

(f) At the time constituencies choose their members they will also choose alternates, at least two each by exempt staff, by classified staff and by faculty, and at least six by the students. Alternates shall be rank ordered by their constituencies.

(3) Terms on the Evergreen council shall be three quarters, staggered by quarters. Members may serve no more than two consecutive terms.

(4) All members of the Evergreen council will serve as facilitators to all members of the Evergreen community in areas of initiative petitions or proposals, help individuals locate the area of responsibility, and otherwise facilitate communication and coordination on campus.

(5) The Evergreen council will select a new moderator and a new recorder for each quarter term. These responsibilities will be rotated through the board membership. The moderator will see that the group meets on a regular schedule and will assure a free and open discussion. The recorder will be responsible for reporting the issues discussed and for providing copies of the minutes to each member of the Evergreen council and to information channels such as the information center, the campus newspaper, and the radio station.

(6) The Evergreen council will elect from its membership an executive committee of four members plus the moderator and the recorder. Each of the four major constituencies will be represented on the executive committee.

(a) The executive committee will meet weekly on a regularly scheduled basis and will be responsible for preparing the agenda for the Evergreen council. The executive committee's primary function will be to insure that the issues placed on the agenda of the Evergreen council warrant attention and that all such issues are placed on the agenda.

(b) At the beginning of each meeting of the Evergreen council, the executive committee will give a brief account of its deliberations, and the moderator will entertain a motion to accept the agenda.

(c) Members of the community wishing to bring a matter before the Evergreen council will petition verbally or in writing the executive committee for a place on the agenda.

(d) In the event that the executive committee rejects a petition, it must respond to the petitioner by issuing a note of response to the petitioner and whomever seems appropriate.

(e) Supervisors will be expected to accommodate their subordinates in discharging Evergreen council obligations, and faculty will be expected to accommodate their students' participation.

(7) The Evergreen council shall establish a quorum.

(8) Any member of the Evergreen council who misses two consecutive meetings without cause shall be dropped from the membership. The executive committee will appoint as replacement the alternate designated by the appropriate constituency. Any member who resigns will be replaced in the same manner.

(9) The Evergreen State College wishes to avoid the usual patterns of extensive standing committees and governing councils. Instead, the community uses short term groups aptly named disappearing task forces (ad hoc committees) for the purposes of gathering information, preparing position papers, proposing policy, or offering advice. The DTF should be composed of as wide a sampling of the community as possible. DTF meetings are public and the DTF must provide advance notice of time, date and locations of meetings.

(a) All DTFs dealing with nontrivial matters will be charged in consultation with the Evergreen council. If triviality is questioned, the Evergreen council will decide. Any member of the community may charge a DTF, or the Evergreen council itself may choose to do so on its own initiative or in response to a petition. The Evergreen council will provide consultation, input and advice to assist in formulating the charge and in establishing the membership of the DTF. The petitioner or charger will ordinarily be a member of the DTF unless she/he is the appropriate decision-maker.

(b) Minutes of the DTF meetings must be kept and copies forwarded to the Evergreen council. The DTF must submit copies of their recommendations to the appropriate decision-maker, to the Evergreen council and to the petitioner or charger if he/she is not a member of the DTF.

(c) Within three weeks of receipt of DTF recommendations, the decision-maker must submit copies of his/her decision to DTF members, to the Evergreen

council and to the petitioner or charger, if she/he is not a member of the DTF.

(10) The Evergreen council will take five types of action by roll call vote, three to be determined by a vote of simple majority as follows:

(a) Comment. This vote means that the council has determined to comment on the issue at hand. A vote to comment requires that the council elect a drafter of the comment to prepare a text to be voted on no later than at the next meeting.

(b) Vote of confidence. The function of this vote is to record the Evergreen council's satisfaction with the present course of events. The vote may, but need not, be accompanied by further remarks.

(c) Vote of no confidence. The contrary to a vote of confidence. Remarks may, but need not, be appended to the vote. The following types of action require two-thirds majority:

(d) Drop. A vote to drop means that the Evergreen council refuses to consider or rule on the issue. Since such a vote would leave a petitioner no recourse but the grievance procedure, a two-thirds majority is required to carry.

(e) Vote of censure. A vote of censure is made against a person, not an action, and must be accompanied by a text to be drafted by a committee of the whole. The text must clearly identify the pattern of actions which the council feels merit the censure. Disapproval of a single act no matter how strong the disapproval, does not alone warrant a vote of censure.

(11) The Evergreen council is to have an active as well as a responsive role and may on its own initiative, add to or displace items on the current agenda or may instruct its executive board to prepare an item for the next meeting. Should an item on the agenda be displaced, then that item has the same status as an item not placed on the agenda by the executive board. [Order 77-2, § 174-108-041, filed 11/14/77.]

**WAC 174-108-051 Administrative evaluation.** Like the student and faculty evaluation procedures, the administrative evaluation will emphasize growth in learning how to perform more effectively the roles for which the individual is responsible. The procedure will include a large element of self-evaluation and evaluation by peers, but must also include input by other members of the college community (students, staff, faculty) who experience the results of the administrative processes, as well as transcripts of such actions taken by the Evergreen council under WAC 174-108-041(10) which pertain to the person in question. Through this evaluation procedure the community can express itself constructively on the effectiveness of the administrative process and the degree to which it is being responsive to the needs and the long-term interests of that community. Without a smoothly functioning procedure encouraging evaluative contributions from a wide circle of community opinion concerning the administrative performance of the decision-makers in the college, the campus community cannot be expected to place its confidence in the

system of governance elaborated here. [Order 77-2, § 174-108-051, filed 11/14/77.]

**WAC 174-108-06001 Mediation and adjudication of disputes, grievances, and appeals.** The grievances and appeals system at The Evergreen State College is designed to:

(1) Reflect the character and philosophies of this institution, and be responsive to the particular needs of all members of the Evergreen community.

(2) Provide a working system which is capable of fair and speedy resolution of conflict and grievance.

(3) Provide a campus adjudicatory apparatus, the authority and thoroughness of which should permit the resolution of disputes within the college. This does not, however, operate in the place of civil authority. To this end, the governance system of this institution abides by applicable portions of the state Higher Education Administrative Procedure Act (chapter 28B.19 RCW). [Order 77-2, § 174-108-06001, filed 11/14/77; Order 76-5, § 174-108-06001, filed 9/22/76; Order 74-3, § 174-108-060 (codified as WAC 174-108-06001), filed 6/18/74.]

**WAC 174-108-06003 Informal mediation procedures.** (1) Members of the Evergreen community who come into conflict with one another should make a determined effort to resolve those problems peacefully and constructively between themselves before relying on the following procedures.

(2) All members of the Evergreen community should feel a heavy responsibility to make every effort to solve individual and community problems imaginatively and constructively without resorting to the mediation and hearing processes.

(3) Informal mediation shall be guaranteed all campus employees and students.

(4) The first attempt at resolution of grievance will be one-to-one mediation.

(5) When unable to work out their differences in this direct fashion, aggrieved parties will select a mutually-agreed-upon third party to hear and to attempt to resolve the dispute. If this third party mediation is desired but one of the parties involved refuses, the campus adjudicator should be contacted for assistance. The adjudicator may appoint a mediator if the parties fail to agree upon one. ("Mediation, N., action in mediating between parties as to effect an agreement or reconciliation . . . mediation implies deliberation that results in solution that may or may not be accepted by the contending parties." Random House College Dictionary, 1969)

(6) The third party mediation process is deliberately left unstructured; this is done to give the mediator the widest possible latitude; the mediator may, at his or her option, adopt any rules or procedures deemed necessary for the orderly resolution of the dispute.

(7) The mediator shall send, within five days after conclusion of mediation, a summary statement of the nature of the conflict to the president's office, and shall send the disputants written notice that mediation has

concluded. The mediator shall also outline the steps necessary to petition for formal hearing. Mediation should conclude within fifteen days after a mediator is selected. [Order 77-2, § 174-108-06003, filed 11/14/77.]

**WAC 174-108-06005 Formal hearing procedures.**

(1) A disputant who wishes to pursue resolution of a dispute, after third party mediation has failed to resolve it, may petition the president for a formal hearing (petition contents described below). The petition must be submitted within ten days of conclusion of informal mediation. Within five days after receiving a petition for a hearing board, the president shall forward to the chairperson of the hearing board a copy of the mediator's statement and the petition for hearing. The chairperson of the hearing board will convene the permanent members, who will review the petition and the mediator's statement, and respond in writing to the president within seven days accepting the case as submitted, or clearly stating the conditions which must be met before the request can be accepted. The president will forward the responses to the disputants. Upon acceptance by the hearing board, the president shall convene a formal hearing board, as described below. The hearing board shall operate under formal contested case procedures, described herein and in chapter 28B.19 RCW.

(2) Petition for a hearing:

(a) All requests for hearings shall contain the following:

(i) A specification of charges or issues for review and response; a formal hearing will only reply to charges or issues stated in this section.

(ii) A summary of results of the informal mediation.

(b) The petitioner shall deliver a copy of the petition to the other party or agent in the dispute at the earliest opportunity. The respondent shall be entitled to file a response to the petition filed by the petitioner.

(3) The president or his/her designee shall be responsible for randomly selecting three permanent members of the hearing board, including a student, staff member and faculty member, who will serve for not less than one academic quarter nor more than one year. These three hearing board members shall, by a method selected by themselves, determine who shall be the chairperson.

(4) Before a formal hearing board convenes, the president or his/her designee will select, by a random process, four temporary members from the disputant peer groups, two from each.

(5) They will be included in a pool of available replacements for permanent members that resign from the board entirely. Any such replacements must be from among the peer group of the resigned member.

(6) Any of these seven members is subject to peremptory challenges by each side represented in a dispute before the hearing convenes. Each party may request the removal of two members.

(7) Disputants must show cause for additional challenges, which are unlimited, if good cause is shown. The permanent hearing board members shall judge whether good cause is shown.

(8) If a member of the board wishes to disqualify him or herself from a particular case, he or she may do so by submitting the reasons in writing to the president. Disqualification must occur as soon as possible after the board member reads the particular petition. Substitute members will be selected randomly from the appropriate peer group of the position left vacant.

(9) The first responsibility of hearing board members is to their education and work commitments. To insure that the hearing board does not become unfairly overworked, permanent members may petition the president to convene a supplemental hearing board to hear cases if the board feels it is overloaded.

(10) The three permanent hearing board members will have the obligation of reviewing all hearing board requests for their completeness. This applies to other members of any supplemental boards, also.

(11) The hearing board is a vehicle of COG and cannot hear cases which challenge this governance document. There are established procedures for amending COG. The hearing board will hear cases which involve the need for an interpretation of COG.

(12) Disputes involving personnel action of a formal nature for classified staff are governed by chapter 28B.16 RCW and chapter 251-12 WAC. [Order 77-2, § 174-108-06005, filed 11/14/77.]

**WAC 174-108-06007 Guidelines for the operation of the formal hearing board.** (1) The person pressing the complaint is the petitioner. The person responding to the complaint is the respondent. The petitioner and respondent collectively are known as the disputants.

(2) Both parties in the dispute have a right to a fair hearing.

(3) The president will send disputants written notice of the nature of the grievance ten days in advance of the hearing. Additionally, the president will inform the disputants of the date, time, place of hearing and procedures to be followed. The hearing shall be scheduled within ten days after acceptance by the hearing board unless continued by the hearing board for good cause.

(4) Petitioner and respondent are responsible for reporting the names of their witnesses at least three days in advance of the hearing to the president's office and for insuring that witnesses on their behalf appear at the hearing. Disputants will be advised by the president's office at least two days in advance of the hearing of the names of all witnesses who will appear in the hearing.

(5) When a formal hearing board proceeding is held following conclusion of informal mediation, the formal hearing shall be conducted as if the informal mediation had not commenced or taken place (RCW 28B.19.100(4)). Further, statements, testimony, and all other evidence given during informal mediation shall be confidential and shall not be subject to discovery or released to anyone, including the officer conducting a formal hearing or the parties involved, without permission of a person who divulged the information (RCW 28B.19.120(4)), and of the disputants. The summary statement of the mediator is not confidential and shall be considered a matter of public record.

(6) Abstracts of all previous decisions will be made available in the president's office for use by hearing boards, disputants, and potential disputants. Hearing boards, although not strictly bound by precedent, will consider them when rendering a decision. Potential disputants should review these abstracts, in order to expedite settlements. It is hoped that the Evergreen community will learn from hearing board decisions and institute them as part of general policy for the college.

(7) A verbatim record shall be kept of all matter presented to the hearing board.

(8) Members of the hearing board shall not discuss the case outside of the hearing, and shall base their decisions upon the record made before them by the disputants. [Order 77-2, § 174-108-06007, filed 11/14/77.]

**Reviser's note:** The reference in WAC 174-108-06007(5) to RCW 28B.19.100(4) probably refers to RCW 28B.19.110(4).

**WAC 174-108-06009 Procedure of hearing and deliberations.** (1) Meetings of the hearing board include hearings and deliberations. Hearings shall be open to the public. Deliberations will be closed unless the board unanimously agrees that they will be open. That decision may be reconsidered at any point during the deliberations. "Open meeting" means that observers not directly involved in the case may observe, but not participate in discussion.

(2) Each party in the dispute will select one spokesperson. Disputants may be represented by a designee not party to the dispute.

(3) The hearing board may wish to have both parties submit to the hearing a short and plainly written statement of the matters of positions asserted before the hearing convenes. And if so, the chairperson will notify each party ten days in advance of the hearing.

(4) The hearing board will set a reasonable time limit for presentation of opening statements, witnesses, supporting evidence, and closing arguments, and so notify the disputants in advance of the hearing. Each side may allocate this time as it sees fit. Time for cross-examination will not count against either side, but may be limited. Time required of resource persons requested by the board will likewise not count against either side, but may be limited. The board may modify the time limit if it feels the need.

(5) Petitioner will first present a brief opening statement. Respondent will next present an opening statement.

(6) Petitioner will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, respondent may cross-examine; redirect is allowed and recross-examination if necessary.

(7) Respondent will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, petitioner may cross-examine; redirect is allowed and recross-examination if necessary.

(8) Petitioner will present his/her closing arguments, then respondent will present his/her closing arguments.

(9) The chairperson of the hearing board is responsible for the smooth functioning of the hearing. The chairperson may interrupt to keep the hearing pertinent

to the issues, keep hearsay evidence off the records, etc. The chairperson shall rule on procedural objections from the disputants. Any hearing board members may interrupt the proceedings to ask questions which they feel are important to their understanding of the issues or facts.

(10) The board may grant delays in the hearing proceedings for valid reasons. For example, the board may wish to allow temporary adjournment to permit a party to respond to new and unexpected material coming to light during the hearing, if allowed to be submitted by the hearing board.

(11) The hearing board, in deliberating, will only consider the merits of the case and not consequences of their decision.

(12) The hearing board, will, within ten days of the close of the hearings, provide to both parties written notice of its decision.

(13) The public shall have access to a transcript or record of the hearings and findings of the hearing board. Hearing board members may elect, upon group unanimous vote, to divulge the contents of closed deliberations verbally or in written form. The record in a contested case shall include:

- (a) All documents, motions, and intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and rulings thereon;
- (e) Proposed findings and exceptions; and
- (f) Any decision, opinion, or report by the chairperson presiding at the hearing.

(14) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefore and payment of the costs thereof. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. [Order 77-2, § 174-108-06009, filed 11/14/77.]

#### **WAC 174-108-06011 Further grievance procedures.**

(1) Appeal within the institution beyond the campus hearing board can be made by a petition to the board of trustees. Such an appeal request may only be accepted if any of the conditions listed under RCW 28B.19.150(6) apply. The decision can be challenged if it:

- (a) Is in violation of any state or federal constitutional provision; or
- (b) Is in excess of the statutory authority or jurisdiction of the institution; or
- (c) Is made upon unlawful procedure; or
- (d) Is affected by other error of law; or
- (e) Is clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (f) Is arbitrary or capricious.

(2) If neither party appeals within ten days of issuance, the board of trustees may, within thirty days of issuance, review the decision on its own motion and affirm, modify, or reverse that decision. [Order 77-2, § 174-108-06011, filed 11/14/77.]

#### **WAC 174-108-07001 Evaluation of governance.**

Necessary and essential amending of this document is to be accomplished at any time through the initiative procedure contained herein. In addition, the president will at the end of every three years ask the Evergreen council to convene a DTF on governance which will include faculty, staff, students, Evergreen graduates and a member of the board of trustees to evaluate the Evergreen governance system. It will be the responsibility of the DTF to affirm the effectiveness of the system or to propose changes. When the DTF has completed its deliberations, it will schedule a series of open meetings inviting all members of the campus community to discuss further revision before forwarding the final document to the president. [Order 77-2, § 174-108-07001, filed 11/14/77; Order 74-3, § 174-108-070 (codified as WAC 174-108-07001), filed 6/18/74.]

**WAC 174-108-08001 Conclusion.** Concerned members of the campus community must continue to work together to develop informal and formal mechanisms to facilitate the promotion, support, and observance of this governance document. [Order 74-3, § 174-108-080 (codified as WAC 174-108-08001), filed 6/18/74.]

### **PUBLIC RECORDS**

**WAC 174-108-170 Definition of public record.** A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by The Evergreen State College, regardless of the physical form or characteristics; provided, however, that in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record: (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

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

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

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

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

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

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

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

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

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

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 73-2, § 174-108-170, filed 9/27/73.]

**WAC 174-108-180 Description of central and field organization at The Evergreen State College.** (1) The Evergreen State College is located on a campus in Thurston County, near the city of Olympia, Washington. This campus comprises the central headquarters for all operations of the college; any "field" activities of the college are directed and administered by personnel located on the campus in Thurston county. The college is governed by a board of trustees appointed by the governor; such board normally meets at least once every calendar month, as provided in WAC 174-104-010. The board employs a president, his assistants, members of the faculty and other employees. It establishes such divisions and units necessary to carry out the purposes of the college, provides the necessary property, facilities and equipment and promulgates such rules, regulations and policies as are necessary to administration of the college.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic and support divisions to enable the college to discharge its obligations. Academic, library and computing matters are the concern of the vice president and provost; business, facilities, security, personnel, student services, and auxiliary services are the concern of the administrative vice president. These vice presidents report to the president of the college. [Order 73-2, § 174-108-180, filed 9/27/73.]

**WAC 174-108-190 General course and method of decision-making.** (1) The formal procedures for decision-making at the college are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders or directives, or regulations of the college which affect the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other, (a) the violation of which subjects the person to a penalty or administrative sanction; or

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

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

are implemented through the procedures of the HEAPA and appear in Title 174 WAC, provided, however, that in accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admissions; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships, fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under HEAPA unless otherwise required by law. Internal rules and regulations are set forth in the colleges published catalogs, the Business Policies and Procedures Manual, and the Faculty Handbook. [Order 73-2, § 174-108-190, filed 9/27/73.]

**WAC 174-108-200 Informal procedures regarding the general course and methods of decision.** Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either: (1) Decisions made by persons authorized by board resolution, the president, or any designee to make a decision within the scope of responsibility assigned to such person; or

(2) Methods of human persuasion utilized by any member of the college's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility. [Order 73-2, § 174-108-200, filed 9/27/73.]

**WAC 174-108-210 Designation of public records officers.** (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the



agency, all public records at the college shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in the Daniel J. Evans Library Building of the college; his exact location and name may be determined by inquiry at the office of the president of the college. The public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.

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

- (a) Office of the president;
- (b) Office of the vice president and provost;
- (c) Office of the administrative vice president.

The heads of the above-designated divisions shall be deemed custodian of the records in the possession or control of units and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. The three persons mentioned above shall be known as the college "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the college. [Order 73-2, § 174-108-210, filed 9/27/73.]

**WAC 174-108-220 Availability for public inspection and copying of public records.** Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the college, acting through the public records officer or a records custodian, agree on a different time. [Order 73-2, § 174-108-220, filed 9/27/73.]

**WAC 174-108-230 Requests for public records.** In accordance with the Initiative 276 requirements that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures: (1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain college records, per WAC 174-108-210. Such request shall include the following:

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

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested. [Order 73-2, § 174-108-230, filed 9/27/73.]

**WAC 174-108-240 Charges for copying.** (1) No fee shall be charged for inspection of public records. The college may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official. [Order 73-2, § 174-108-240, filed 9/27/73.]

**WAC 174-108-250 Determination regarding exempt records.** (1) The college reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the college, president of the college, or an assistant attorney general assigned to the college.

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

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or his designee, specifying the specific reasons therefor. [Order 73-2, § 174-108-250, filed 9/27/73.]

**WAC 174-108-260 Review of denials for public records requests.** (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.



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

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

(4) During the course of the informal hearing conducted by the president or his designee under this section, the hearing officer shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.250 insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details. [Order 73-2, § 174-108-260, filed 9/27/73.]

**WAC 174-108-900 Form--Request for public records.**

**REQUEST FOR PUBLIC RECORDS**

The Evergreen State College

Section I - IDENTIFICATION. The information requested in Boxes 1 through 4 is not mandatory. If provided, it will allow the Records Officer to contact you, if necessary, in connection with your request.

1. Name of Requester	2. Representing (if applicable)	DATE
3. Street Address		
4. City-State-Zip Code	If there is any particular urgency attached to this request, please indicate the date by which you need the information.	

Section II - NATURE OF REQUEST. Please be specific about the records you wish to see. If you do not know the name of the records, make your request in the form

of a question. To comply with RCW 42.17.260(5) (non-commercial use), please sign the certification below.

I certify that the information obtained as a result of this request for public records will not be used in whole or in part to compile a list for commercial purposes.

Requester's Signature

DO NOT FILL IN BELOW THIS LINE

**Section III - REQUEST FOR REVIEW**

Requested by	Office	Telephone
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**Section IV - DISPOSITION OF REQUEST**

1.	2.	3.	4.
5.	6.	7.	8. 9.

[Order 73-2, Form (codified as WAC 174-108-900), filed 9/27/73.]

**WAC 174-108-90001 Form--Public records request for copies.**

**PUBLIC RECORDS REQUEST FOR COPIES**

The Evergreen State College

Please indicate the records that you wish to have copied, and number of copies of each. When completed, give this request to a staff member who will accompany you to the cashier and then to the nearest copy center. You will be required to pay for the copies before receiving them.

**DESCRIPTION OF MATERIALS TO BE COPIED:**

Requester's Signature

[Order 73-2, Form (codified as WAC 174-108-90001), filed 9/27/73.]

**WAC 174-108-90002 Form--Request for review--  
Public records request.**

REQUEST FOR REVIEW  
PUBLIC RECORDS REQUEST

The Evergreen State College

A review of the attached request for public records has been requested by the person named below. Note your opinion below and then have your secretary notify the PRO so that the forms may be picked up by our office. Your opinion, as stated, will not be disclosed to the public.

Review Requested By	Office	Telephone
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Reason for Request of Review

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Opinion

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Review Made By

[Order 73-2, Form (codified as WAC 174-108-90002), filed 9/27/73.]

**Chapter 174-112 WAC  
PERSONNEL RULES**

WAC

**STAFF EDUCATIONAL BENEFITS**

- 174-112-010 Policy.
- 174-112-020 Credit programs.
- 174-112-030 Noncredit programs.

**RELEASE OF PERSONNEL INFORMATION**

- 174-112-070 Release of personnel information--General policy.
- 174-112-080 Release of personnel information--Practices and procedures.
- 174-112-090 Release of personnel information--Information on race, creed, and politics.

**EMPLOYMENT OF RELATIVES CONCERNING CONFLICT OF INTEREST**

- 174-112-130 Employment of relatives concerning conflict of interest--General policy.
- 174-112-140 Employment of relatives concerning conflict of interest--Procedure.
- 174-112-150 Employment of relatives concerning conflict of interest--Definition.

**STAFF EDUCATIONAL BENEFITS**

**WAC 174-112-010 Policy.** The Evergreen State College offers educational benefits for faculty and for professional and staff employees in both the credit and noncredit programs. Any employee may, subject to the limitations below and with the written permission of his budgetary unit head, register for one unit of credit in academic programs without payment of basic tuition and fees. [Order 73-1, § 174-112-010, filed 6/20/73; Order 72-4, § 174-112-010, filed 10/27/72.]

**WAC 174-112-020 Credit programs.** (1) General provisions - any full-time employee (or part-time employee who is under written contract to the college) who has been accepted as a student at the college may participate in the credit program for one unit of credit without charge for basic tuition and fees, either as an auditor or for credit, under the following conditions. Any such employee may participate in the credit program for more than one unit of credit per quarter without charge for basic tuition and fees only with the written approval of the vice president and provost and the administrative vice president, under the following conditions:

(a) Unless tuition and fee waiver is acknowledged as a precondition of employment by his budgetary unit head, an employee must have completed six months continuous employment before becoming eligible for benefits.

(b) An employee must be admitted to the college as a student and follow the student registration and scholastic regulations.

(c) Charges beyond basic tuition and fees are the responsibility of the employee; for example, charges for late registration, charges of registration, breakage tickets, etc.

(d) An employee registering under the tuition and fees exemption provisions of this program will be entitled to receive benefits normally financed from services and activities fees only if he pays such fees.

(2) Admission - an employee expecting to participate in the credit program for the first time must submit an application for admission to the office of admissions and have transcripts and other routine admissions documents placed in his file prior to the deadline date set forth in the college catalog.

(3) Registration - an employee will follow the regular registration procedures expected of students except that the payment of tuition and fees will be waived when a completed "faculty and staff tuition and fee exemption request" is presented.

(4) Approval for exemption - "faculty and staff tuition and fee exemption request" forms, available from the personnel office, cashier's office and the scholarship

and loan office, must be completed and signed by the staff member and have the signed approval of the employee's budgetary unit head and the director of personnel.

(5) Cancellation of exemption – an employee participating in the credit program under an employee's tuition and fee exemption who terminates his employment with Evergreen (but who continues to participate in the program), shall be responsible for all normal tuition and fees on a pro rata share basis for the balance of the program. [Order 73-1, § 174-112-020, filed 6/20/73; Order 72-4, § 174-112-020, filed 10/27/72.]

**WAC 174-112-030 Noncredit programs.** (1) General provisions – any full-time employee (or part-time employee who is under written contract to the college) may participate in the noncredit program under the following conditions:

(a) Unless tuition and fee waiver is acknowledged as a precondition of employment by his budgetary unit head, an employee must have completed six months continuous employment.

(b) Fees beyond the basic course fee, if any, are the responsibility of the registrant.

(2) Registration – an employee will follow the regular registration procedures expected of students except that the payment of tuition and fees will be waived when a completed "faculty and staff tuition and fee exemption request" is presented.

(3) Approval for exemption – "faculty and staff tuition and fee exemption request" forms, available from the personnel office, cashier's office and the scholarship and loan office, must be completed, signed by the staff member and have the approval of the employee's budgetary unit head and the director of personnel.

(4) Cancellation of exemption – an employee participating in the noncredit program under an employee's tuition and fee exemption who terminates his employment with Evergreen (but who continues to participate in the program), shall be responsible for all normal tuition and fees on a pro rata basis for the balance of the program. [Order 73-1, § 174-112-030, filed 6/20/73; Order 72-4, § 174-112-030, filed 10/27/72.]

#### RELEASE OF PERSONNEL INFORMATION

**WAC 174-112-070 Release of personnel information—General policy.** Evergreen's policy regarding release of personnel information recognizes the professional responsibility that must characterize interactions with faculty, staff, students, professional organizations, other institutions of higher education, and public organizations and agencies. This responsibility dictates that when a person becomes a faculty or staff member of the college and submits required personnel data attendant therewith, there is an implicit and justifiable assumption of trust placed in The Evergreen State College as custodian of these data. A similar relationship should be maintained relative to subsequent data generated during the employment of the faculty or staff member. [Order 72-5, § 174-112-070, filed 10/27/72.]

**WAC 174-112-080 Release of personnel information—Practices and procedures.** (1) The personnel records of faculty and staff members shall be maintained in the appropriate offices as follows.

(a) Faculty members – office of the vice president and provost.

(b) Vice presidents – office of the president.

(c) Administrative exempt personnel – office of the appropriate vice president.

(d) Classified employees – office of staff personnel.

Personnel information shall be released, as provided in WAC 174-112-080(2), only by, or at the direction of, the appropriate office.

(2) The following types of information regarding faculty and staff may be released.

(a) Information of a "public" or "directory" nature, that is, information which appears or has appeared in publications available to the general public.

(b) Responses to inquiries originating from prospective employers; if the request is made by telephone, the information may be released only after the authenticity of the request and its originator are verified.

(c) News releases regarding appointment or employment, promotion, professional accomplishments or special recognition of the faculty or staff member.

(d) Information requested by the direct supervisor of the faculty or staff member, but only when such information is required by the supervisor in the discharge of his official duties. Only the specific information requested should be released and under no circumstances should the faculty or staff member's personnel file be removed from the office.

(e) Information requested by an employee's representative but only after receipt of written authorization from the employee. Only information pertaining to the specific situation (e.g., disciplinary action or appeal) curtailed should be released.

(f) Employment duration and salary information may be verified to bona fide credit-granting organizations or credit bureaus when the request is made in writing on the letterhead of the organization or bureau; if the request is made by telephone, the information may be released only after the authenticity of the request and its originator are verified. [Order 72-5, § 174-112-080, filed 10/27/72.]

**WAC 174-112-090 Release of personnel information—Information on race, creed, and politics.** Information relative to a faculty or staff member's race will be released only as required by applicable state or federal law, or at his request.

Information regarding a faculty or staff member's religious creed shall not be recorded in his records unless he specifically requests its inclusion; if recorded, it may be released only at his request.

Information regarding a faculty or staff member's political memberships, beliefs or proclivities shall not be recorded in his records unless he specifically requests its inclusion; if recorded, it may be released only at his request. [Order 72-5, § 174-112-090, filed 10/27/72.]

## EMPLOYMENT OF RELATIVES CONCERNING CONFLICT OF INTEREST

**WAC 174-112-130 Employment of relatives concerning conflict of interest—General policy.** In accordance with general college policy, the basic criteria for appointment and promotion of all college staff will be the appropriate qualifications and performance. Relationship by family or marriage shall constitute neither an advantage nor a deterrent to appointment by the college provided the individual meets and fulfills the appropriate appointment standards. However, section 16, chapter 234, Laws of 1969 and RCW 42.18.160 provide in part as follows: "No state employee shall participate in a transaction involving the state in the consequences of which to his actual knowledge any of the following persons have a direct and substantial economic interest: a) his spouse or child; or b) any person in which he has a substantial economic interest of which he may reasonably be expected to know."

In order to preclude the possibility of violation of the section as cited, whenever a relative of a present employee is being considered for employment at the college, prior written approval must be given by the appropriate vice president in the case of exempt personnel and by the budgetary unit head and the director of personnel in the case of classified personnel. In situations where individuals become relatives after being employed by the college or regardless of the manner in which relatives have become members of the campus community, it shall be the responsibility of the appropriate vice president to insure that they do not participate in transactions as defined in WAC 174-112-150(2). [Order 72-6, § 174-112-130, filed 10/27/72.]

**WAC 174-112-140 Employment of relatives concerning conflict of interest—Procedure.** If a supervisor is granted approval to hire a relative, a copy of the written approval will be placed in the staff member's personnel file. If employees are determined to have participated in transactions as defined in WAC 174-112-150(2), they will be subject to the college code of conduct. [Order 72-6, § 174-112-140, filed 10/27/72.]

**WAC 174-112-150 Employment of relatives concerning conflict of interest—Definition.** (1) Relative: For the purpose of this policy, relative is defined as the husband or wife of a staff member, as well as the son, daughter, mother, father, brother, or sister of the staff member or spouse. This definition is not to be construed to exclude the possibility of questions of conflict of interest in the case of other family relationships.

(2) Conflict of interest/transactions: The college considers the following as among transactions involving a direct and substantial economic interest: The appointment, termination of appointment, promotion, demotion, approval of salary increase or decrease of persons employed by the college. [Order 72-6, § 174-112-150, filed 10/27/72.]

## Chapter 174-116 WAC PARKING AND TRAFFIC RULES

### WAC

174-116-010	Purpose.
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174-116-020	Authority.
174-116-030	Enforcement.
174-116-040	Parking permits—General information.
174-116-041	Parking permits—Visitors and guests.
174-116-042	Parking permits—Special permits.
174-116-043	Parking permits—Issuance and display.
174-116-044	Parking permits—Validity periods.
174-116-045	Parking permits—Housing residents.
174-116-046	Parking permits—Revocations.
174-116-050	Responsibility and presumption in reference to illegal parking.
174-116-060	Designated and assigned parking areas.
174-116-070	Speed.
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174-116-072	Impounding of vehicles.
174-116-080	Access.
174-116-091	Special parking and traffic regulations and restrictions authorized.
174-116-092	Parking of motorcycles and scooters.
174-116-119	Fines.
174-116-121	Election to pay or contest a notice of infraction.
174-116-122	Appeal/hearing procedure.
174-116-123	Establishment of infraction review committee.
174-116-124	Jurisdiction of the infraction review committee.
174-116-125	Appeal/hearing procedure—Rules of evidence.
174-116-126	Appeal/hearing—Procedure—Review decision.
174-116-127	Appeal/hearing—Mitigation and suspension of fines.
174-116-190	Pedestrian right of way.
174-116-260	Fines and penalties.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

174-116-090	Motor vehicle registration. [Order 72-7, § 174-116-090, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
174-116-100	Parking permits required. [Order 72-7, § 174-116-100, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-105.
174-116-105	Valid parking permits required. [Order 77-3, § 174-116-105, filed 12/16/77; Order 75-2, § 174-116-105, filed 8/12/75. Formerly WAC: 174-116-100.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
174-116-110	Parking permits. [Order 72-7, § 174-116-110, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-115.
174-116-115	Parking permit regulations. [Statutory Authority: RCW 28B.40.120(11). 81-19-092 (Order 81-3, Motion No. 81-36), § 174-116-115, filed 9/18/81; 80-06-034 (Order 80-2, Motion No. 80-13), § 174-116-115, filed 5/9/80, effective 9/1/80; Order 77-3, § 174-116-115, filed 12/16/77; Order 75-2, § 174-116-115, filed 8/12/75. Formerly WAC 174-116-110.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
174-116-120	Parking permit valid. [Order 72-7, § 174-116-120, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-125.
174-116-130	Display of parking permits. [Order 72-7, § 174-116-130, filed 10/27/72.] Repealed by Order 73-4, filed 11/27/73. Later promulgation, see WAC 174-116-135.
174-116-135	Parking permits displayed. [Order 75-2, § 174-116-135, filed 8/12/75. Formerly WAC 174-116-130.]

- Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
- 174-116-140 Parking areas. [Order 75-2, § 174-116-140, filed 8/12/75; Order 73-4, § 174-116-140, filed 11/27/73; Order 72-7, § 174-116-140, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
  - 174-116-150 Violation, penalty, impounding. [Statutory Authority: RCW 28B.40.120(11). 78-08-088 (Order 78-2, Motion 78-26), § 174-116-150, filed 7/31/78; Order 75-2, § 174-116-150, filed 8/12/75; Order 73-4, § 174-116-150, filed 11/27/73; Order 72-7, § 174-116-150, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
  - 174-116-160 Bicycle parking. [Order 72-7, § 174-116-160, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
  - 174-116-170 Bicycle travel. [Order 72-7, § 174-116-170, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).
  - 174-116-180 Bicycle equipment, brakes, lights. [Order 72-7, § 174-116-180, filed 10/27/72.] Repealed by 83-20-016 (Order 83-4, Resolution No. 83-42), filed 9/22/83. Statutory Authority: RCW 28B.40.120(11).

**WAC 174-116-010 Purpose.** (1) To expedite college business, protect state property, provide maximum safety and convenience for all.

(2) To assure access at all times for emergency vehicles and personnel.

(3) To provide funds to obtain and maintain suitable campus parking facilities.

(4) To protect and control pedestrian and vehicular traffic. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-010, filed 9/22/83; Order 72-7, § 174-116-010, filed 10/27/72.]

**WAC 174-116-011 Regulations.** Drivers and owners of vehicles on the property of The Evergreen State College are responsible for safe and lawful operation of those vehicles. Individuals operating or parking vehicles on college owned property must at all times comply with the campus regulations, ordinances of Thurston County and laws of the state of Washington. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-011, filed 9/22/83.]

**WAC 174-116-020 Authority.** (1) The Evergreen State College through its board of trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560. The board of trustees reserves the right to add, delete or modify portions of these regulations including the appended fee and fine and penalty schedules in accordance with its regulations and applicable laws. Administration and enforcement of these regulations will be delegated to the security and parking office.

(2) The Evergreen State College security and parking office is authorized to issue annual, quarterly, daily, car-

pool, housing and special permits to park upon the campus. Special permits are issued pursuant to the provisions of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special permit will be issued or renewed.

(3) The authority and powers conferred upon the security chief by these regulations shall be subject to delegation by him/her to subordinates. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-020, filed 9/22/83; Order 72-7, § 174-116-020, filed 10/27/72.]

**WAC 174-116-030 Enforcement.** Security office personnel shall be responsible for enforcing traffic regulations on the campus. This shall include all college parking regulations and "rules of the road" as set forth in Title 46 of the Revised Code of the state of Washington.

Whenever an unattended vehicle is observed in violation of the regulations herein set forth, the parking personnel shall take the registration number and other identifiable information and shall affix to such vehicle a parking infraction in a conspicuously visible location. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-030, filed 9/22/83; Order 72-7, § 174-116-030, filed 10/27/72.]

**WAC 174-116-040 Parking permits--General information.** (1) Parking permits are issued by the security and parking office following application and the payment of the appropriate fees. All privately owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, and at such other times as the college may designate.

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	16.00	8.00
Annual	40.00	20.00
Daily	.50	.50

[Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-040, filed 9/22/83; Order 72-7, § 174-116-040, filed 10/27/72.]

**WAC 174-116-041 Parking permits--Visitors and guests.** All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public will park in available space as established by The Evergreen State College parking and traffic regulations and will pay the established parking fee except as noted below:

(1) Federal, state, county, city, school district, and similar governmental personnel, on official business in vehicles with tax exempt licenses, will be admitted without charge.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked

within available construction sites or designated areas without charge.

(3) Members of the press, television, radio and wire services, on official business, may park without charge, but must have a permit authorized by the parking office to do so.

(4) Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee only for pick up and delivery of passengers, supplies and equipment.

(5) Visitors and guests attending special college events may be parked without charge if prior arrangement has been made with the parking office.

(6) Visitors invited to the campus for the purpose of rendering uncompensated services to The Evergreen State College may be parked without charge, provided prior notification is given to the parking office. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-041, filed 9/22/83.]

**WAC 174-116-042 Parking permits--Special permits.** (1) Physically disabled faculty members, staff personnel, visitors, and students may apply through the security and parking office for a special parking permit in a reserved area. Such individuals must obtain a certificate from a physician indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes. Such persons, however, must also display on their vehicle a valid daily, quarterly or annual parking permit. State of Washington handicapped "overtime parking" permits will be honored as valid on campus.

(2) Salespersons, maintenance and service personnel, persons serving the college without pay, and other visitors who must frequently visit the campus on college business, may be issued a parking permit from the parking office, upon request from the division benefiting from the services provided, subject to approval by the security and parking office. Parking on campus will not be provided to persons intending to make personal solicitations from or personal sales to college employees or students.

(3) Overnight or extended period permits may be obtained from the security and parking office for disabled vehicles, field trips or other valid reasons that may necessitate the operator's leaving the vehicle on campus. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-042, filed 9/22/83.]

**WAC 174-116-043 Parking permits--Issuance and display.** (1) All parking permits must be positioned so that they are clearly visible and readable from the outside of the vehicle.

(2) Car pool permits may be purchased by faculty, staff and students. One transferable permit will be issued by the security and parking office for each car pool. This permit is transferable only among the registered members of the car pool. The permit must be displayed

on the dashboard in the left corner in front of the driver on a registered car pool vehicle.

(3) Annual and quarterly parking permits must be affixed to the vehicle's rear window with the following exceptions:

(a) On convertibles and trucks they may be affixed in the lower left corner of the front windshield.

(b) On station wagons and cars with heated rear windows permits must be affixed in the left rear side window.

(c) Motorcycle permits must be affixed in a conspicuous place.

(4) Daily parking permits shall be placed on the dashboard with date stamp facing up, so as to be clearly visible from the exterior of the vehicle.

(5) A parking permit application is required to be on file for each vehicle displaying a permit. Ownership of permits is not transferable except when approved by the security and parking office. The security and parking office can approve replacement of or transfer of a permit under the following conditions:

(a) The person relinquishing ownership and the purchaser appear in person at the parking office when requesting a transfer.

(b) The former owner relinquishes all ownership or claims to said permit.

(c) The purchaser qualifies for ownership.

(d) The new owner completes a new application form for the permit.

(e) If the vehicle is sold, and for any reason a replacement permit is requested, the old permit must be removed and presented to the security and parking office to be eligible for a replacement or a refund.

(6) Faculty, staff and students may be issued a duplicate car permit for another vehicle either personally owned, family owned, or owned by their employer. Proof of ownership or authorization from the owner for all additional vehicles must be presented. However, two vehicles bearing the same numbered permit may not be parked on campus at the same time unless one also displays a valid daily permit.

(7) Any permit holder may obtain a temporary permit at the security and parking office without charge for another vehicle when the vehicle for which a permit was purchased is unavailable due to repair or for another valid reason. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-043, filed 9/22/83.]

**WAC 174-116-044 Parking permits--Validity periods.** (1) Annual parking permits shall be valid from the date of issue until the first day of the following fall quarter.

(2) Quarterly parking permits shall be valid from the date issued each academic quarter until the first day of the following academic quarter.

(3) Daily permits shall be valid from the time purchased until 4:00 p.m. on the date of purchase. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-044, filed 9/22/83.]

**WAC 174-116-045 Parking permits--Housing residents.** Under the following conditions, college housing residents will, upon request, receive a parking permit at no charge.

- (1) Permits must be renewed quarterly.
- (2) Housing residents must show proof of ownership before permit will be issued.
- (3) Free parking will be discontinued when residents terminate their contract with housing.
- (4) Housing will verify residency status to the security and parking office.
- (5) Only one permit per resident will be issued free. Additional permits may be purchased through regular procedures.
- (6) Resident parking permits will only be valid for parking in the modular parking areas or in "F" lot. A regularly purchased permit is required for use in all other parking areas. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-045, filed 9/22/83.]

**WAC 174-116-046 Parking permits--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 by an unauthorized individual.
- (3) Falsification on a second car parking permit application.
- (4) Counterfeiting or altering of permits.
- (5) Appeals of permit revocations must be made in accordance with the institutional hearing procedures outlined in infraction review committee's governing document. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-046, filed 9/22/83.]

**WAC 174-116-050 Responsibility and presumption in reference to illegal parking.** The registered owner or permit holder shall be responsible for all parking violations involving the vehicle on which the permit is displayed.

In any hearing alleging the violation of any parking regulation, proof that the particular vehicle described was stopping, standing or parked in violation of any such regulation together with proof that the person named in the complaint or infraction at the time of such violation was the registered owner or permit holder of such vehicle shall constitute in evidence a prima facie presumption that the owner was the person who parked or placed such vehicle in the location the violation occurred. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-050, filed 9/22/83; Order 72-7, § 174-116-050, filed 10/27/72.]

**WAC 174-116-060 Designated and assigned parking areas.** The motor vehicle laws of the state of

Washington and any rules stated herein shall be applicable at all times in areas covered under the scope of this policy.

The college assumes no liability for vehicles operated or parked on college properties. No bailment, but only a license, is created by the purchase and/or issuance of any permit.

- (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.
- (2) No vehicle shall be parked in any parking area without a permit for that area.
- (3) Vehicles may only park within marked spaces provided in each parking lot. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-060, filed 9/22/83; Order 72-7, § 174-116-060, filed 10/27/72.]

**WAC 174-116-070 Speed.** Unless otherwise posted, the maximum speed limit in areas covered under the scope of this policy shall be 25 miles per hour for all motor vehicles and bicycles. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-070, filed 9/22/83; Order 72-7, § 174-116-070, filed 10/27/72.]

**WAC 174-116-071 Parking--Prohibited places.** (1) No person shall stop, stand or park any vehicle so as to obstruct traffic along or upon any street or sidewalk.

- (2) No vehicle shall park or stand except momentarily to pick up or discharge passengers:
  - (a) At any place where official signs prohibit parking;
  - (b) Within 15 feet of a fire hydrant or in fire lanes;
  - (c) On any lawn or grass areas except as required for maintenance or construction authorized by the director of facilities;
  - (d) In excess of posted time limits;
  - (e) Within an intersection;
  - (f) So as to block a curb cut or driveway;
  - (g) Adjacent to a painted curb;
  - (h) Within 30 feet of an intersection;
  - (i) In a handicapped zone;
  - (j) In a bus zone.

(3) 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 violator to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-071, filed 9/22/83.]

**WAC 174-116-072 Impounding of vehicles.** (1) No disabled or inoperative vehicle shall be parked on the campus for a period in excess of ninety-six hours. Vehicles which have been parked for periods in excess of ninety-six hours and which appear to be disabled or inoperative may be impounded and stored at the expense of the registered owner. Neither the college nor its employees shall be liable for loss or damage of any kind



resulting from impounding and/or storage services provided by a private vendor. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. In any case, the owner or operator of a disabled vehicle should notify the security and parking office of the vehicle's location and estimated time of removal or repair.

(2) Any vehicle parked upon property of The Evergreen State College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington, may be impounded or immobilized and taken to such place for storage as the chief of security selects. The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid by him/her prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and/or storage services provided by a private vendor. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-072, filed 9/22/83.]

**WAC 174-116-080 Access.** Privately owned motor vehicles shall be driven only on those roadways designed and built for their use.

Marked "service" drives shall be used only by college employees conducting official business, emergency vehicles, and authorized delivery vehicles. Any and all other vehicles are prohibited from traveling or parking in these areas.

Brick-paved and other designated areas are for pedestrian and bicycle traffic only, except as needed for emergency vehicle or for maintenance of buildings or grounds. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-080, filed 9/22/83; Order 72-7, § 174-116-080, filed 10/27/72.]

**WAC 174-116-091 Special parking and traffic regulations and restrictions authorized.** (1) During special conditions causing additional heavy traffic and during emergencies, the security chief is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the specified objectives of these regulations and provide appropriate notice thereof whenever possible.

(2) The director of facilities is authorized to erect signs, barricades and other structures and to paint marks and other directions aids upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational, recreational, or parking activities of The Evergreen State College.

(3) No person without authorization from the director of facilities shall move, deface, or in any way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-091, filed 9/22/83.]

**WAC 174-116-092 Parking of motorcycles and scooters.** (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) Motorcycles, motorized bicycles and scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles, motorized bicycles and scooters are not permitted on paths, sidewalks, in buildings or in pedestrian areas at any time. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-092, filed 9/22/83.]

**WAC 174-116-119 Fines.** (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ninety days from the date of the notice of infraction, the following action will be taken by The Evergreen State College:

(a) Academic registration for the following quarter shall be prohibited.

(b) Transcripts shall be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine will be deleted from an employee's paycheck after the employee has been offered the right of a hearing as contained in this document. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-119, filed 9/22/83.]

**WAC 174-116-121 Election to pay or contest a notice of infraction.** The notice of infraction issued pursuant to these regulations shall direct the alleged violator that he/she may elect either to pay the fine applicable to the violation(s) charged or to request a review with the infraction review committee within ten days of the date of the infraction.

(1) If the alleged violator chooses to contest, a written request for a review will be filed with the chairperson of the infraction review committee, through the security chief. Requests for review forms are available at the security and parking office. Requests for a review may be submitted without posting of the fine within ten days after date of infraction.

(2) The infraction review committee will review the written request for review and notify the alleged violator

of their decision within ten class days. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-121, filed 9/22/83.]

**WAC 174-116-122 Appeal/hearing procedure.** (1) If the decision of the infraction review committee is not supportive of the alleged violator's request, the alleged violator may request a hearing before the review committee to present his/her case in person. The infraction review committee will meet a minimum of once a month (usually the first Wednesday of the month) to hear such appeals.

(2) Persons requesting a hearing before the infraction review committee must make such requests to the chairperson of the infraction review committee within ten class days of notification of the initial review decision.

(3) The appellant will be notified by the chairperson of the infraction review committee of the time and date of such hearing. Decisions rendered by the infraction review committee on appeals heard shall be binding, except as provided by RCW 28B.10.565. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-122, filed 9/22/83.]

**WAC 174-116-123 Establishment of infraction review committee.** The Evergreen State College infraction review committee is hereby established, the members of which shall be composed of the following:

- (1) One faculty member chosen by the vice president and provost;
- (2) One exempt staff member chosen by the president;
- (3) One classified staff member chosen by the vice president for business;
- (4) Two currently enrolled students chosen by the Evergreen council; and
- (5) The chief of security will serve as a nonvoting member. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-123, filed 9/22/83.]

**WAC 174-116-124 Jurisdiction of the infraction review committee.** The infraction review committee established by these regulations shall have jurisdiction to hear and review infractions involving alleged violations of these rules and to render a judgment as to the validity of such infractions. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-124, filed 9/22/83.]

**WAC 174-116-125 Appeal/hearing procedure—Rules of evidence.** The rules of evidence applicable to courts of law shall not apply and any oral or documentary evidence may be received, but the chairperson of the infraction review committee may exclude such evidence as is irrelevant, immaterial or unduly repetitious. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-125, filed 9/22/83; Order 77-3, § 174-116-125, filed

12/16/77; Order 75-2, § 174-116-125, filed 8/12/75. Formerly WAC 174-116-120.]

**WAC 174-116-126 Appeal/hearing—Procedure—Review decision.** Upon conclusion of the review and/or appeal, the chairperson of the infraction review committee shall render the decision of the review committee as to guilty or not guilty and shall assess fines or penalties not in excess of the schedule of fines set forth in WAC 174-116-260. The decision shall be recorded in the records maintained by the security and parking office and the chairperson of the infraction review committee shall endorse his/her signature therein, certifying the record to be correct. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-126, filed 9/22/83.]

**WAC 174-116-127 Appeal/hearing—Mitigation and suspension of fines.** Upon the showing of good cause or mitigating circumstances, the infraction review committee may impose any lesser fine than those established in WAC 174-116-260 of these regulations or may dismiss the fine. The chairperson may grant an extension of time within which to comply with the review and/or appeal decision. A person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the college or university police force. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo. [Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-127, filed 9/22/83.]

**WAC 174-116-190 Pedestrian right of way.** Pedestrians have absolute right of way on all walkways, sidewalks, brick-paved areas, and in all marked crosswalks. When walking on the shoulder of any roadway without benefit of a sidewalk, a pedestrian should walk toward the oncoming traffic. [Order 72-7, § 174-116-190, filed 10/27/72.]

**WAC 174-116-260 Fines and penalties.** The following schedule of fines for violations of the rules listed in chapter 174-116 WAC is hereby established:

No.	Offense	Maximum Fine
1.	No valid permit	\$ 5.00
2.	Overtime parking	10.00
3.	Improper position	5.00
4.	Parked where signs prohibit	15.00
5.	Parked within 15 feet of hydrant	15.00

No. Offense	Maximum Fine
6. Handicapped zone	15.00
7. Parked within intersection	10.00
8. Within 30 feet of intersection	5.00
9. Blocking driveway	10.00
10. Parked at painted curb	10.00
11. Parked in prohibited zone	15.00
12. Obstructing traffic	10.00
13. Parked in bus zone	15.00
14. Parked in fire lane	15.00
15. Altered permit	25.00

[Statutory Authority: RCW 28B.40.120(11). 83-20-016 (Order 83-4, Resolution No. 83-42), § 174-116-260, filed 9/22/83.]

### Chapter 174-124 WAC

#### SOCIAL CONTRACT AMONG THE MEMBERS OF THE COMMUNITY OF THE EVERGREEN STATE COLLEGE--COMMUNITY CODE OF CONDUCT

#### WAC

174-124-020	Basic purposes--Individual responsibility of members of the college community.
174-124-030	Individual rights of members of the Evergreen community.
174-124-040	Conditions of learning--Freedom--Privacy--Honesty.
174-124-050	Institutional rights and obligations.
174-124-120	Procedural review--Subsequent modification of the social contract.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

174-124-010	Introduction--Declarations of college policy. [Order 2, § 174-124-010, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-060	The issue of strikes--Boycotts--Sanctions. [Order 2, § 174-124-060, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-070	Judicial action. [Order 2, § 174-124-070, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-080	Informal mediation. [Order 2, § 174-124-080, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-090	Formal mediation--Community service list. [Order 2, § 174-124-090, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-100	Appeal procedure--Board of judgment. [Order 2, § 174-124-100, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Resolution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).
174-124-110	Off-campus offenses or convictions--All-campus hearing board. [Order 2, § 174-124-110, filed 2/22/72.] Repealed by 78-11-092 (Order 78-3, Res-

olution Motion 78-50), filed 11/1/78. Statutory Authority: RCW 28B.40.120(11).

**WAC 174-124-020 Basic purposes--Individual responsibility of members of the college community.** (1) The Evergreen State College is an association of people who work together as learners and teachers. Such a community can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators and staff members may differ widely in their specific interests, in the degrees and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform, but all must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration. In its life as a community The Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules.

(2) The individual members of the Evergreen community have the responsibility for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. At the same time, it also must guarantee the right of the members of the community to voice their opinions with respect to basic matters of policy and other issues.

(3) As a community, Evergreen, through its governance structures, has both the right and the obligation to establish reasonable standards of conduct for its members in order to safeguard the processes of learning, to provide for the safety of its members, to protect the investment of the people of the state of Washington in its properties and to insure a suitable respect for the very different tastes and sensibilities of its members. For these reasons, the law empowers the president or presidential designees to intercede whenever sound judgment points to a clear and present danger to these concerns.

(4) Each member of the community must protect: (a) The fundamental rights of others in the community as citizens, (b) the right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources in people, materials, equipment and money, (c) the rights and obligations of Evergreen as an institution established by the state of Washington, and (d) individual rights to fair and equitable procedures when the institution acts to protect the safety of its members. [Statutory Authority: RCW 28B.40.120(11). 78-11-092 (Order 78-3, Resolution Motion 78-50), § 174-124-020, filed 11/1/78; Order 2, § 174-124-020, filed 2/22/72.]

**WAC 174-124-030 Individual rights of members of the Evergreen community.** (1) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington,

which funds it, and by the community of greater Olympia, in which it is located. From this state of affairs flow certain rights for the members of the Evergreen community, certain conditions of campus life, and certain obligations.

(2) Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence and abuse.

(3) There may be no discrimination at Evergreen with respect to race, sex, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy (references Evergreen administrative code chapter 174-148 WAC, Equal opportunity policies and procedures—Affirmative action program).

(4) Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

(5) The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college.

(6) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.

(7) Evergreen does not stand in loco parentis for its members.

(8) The right to use the mediation and adjudication process is enjoyed by all members of the Evergreen community. (Reference: WAC 174-108-06001 Mediation and adjudication of disputes, grievances and appeals.) [Statutory Authority: RCW 28B.40.120(11). 78-11-092 (Order 78-3, Resolution Motion 78-50), § 174-124-030, filed 11/1/78; Order 2, § 174-124-030, filed 2/22/72.]

**WAC 174-124-040 Conditions of learning—Freedom—Privacy—Honesty.** (1) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying full freedom to explore ideas and to discuss their explorations in both speech and print without let or hindrance. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, also violate the principle of free inquiry.

(2) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution. Meetings of public significance cannot be properly held in secret.

(3) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place and use of Evergreen facilities in these activities.

(4) Honesty is an essential condition of learning. Honesty includes the presentation of only one's own work in one's own name, the full consideration of evidence and logic, and the recognition of biases and prejudices in oneself.

(5) Another essential condition of learning is the full freedom and right on the part of individuals and groups to the expression of minority, unpopular, or controversial points of view.

(6) Related to this point is the way in which civility is a fundamental condition of learning. Only if minority and unpopular points of view are accorded respect, are listened to, and are given full opportunity for expression will Evergreen provide *bona fide* opportunities for significant learning.

(7) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group. [Statutory Authority: RCW 28B.40.120(11). 78-11-092 (Order 78-3, Resolution Motion 78-50), § 174-124-040, filed 11/1/78; Order 2, § 174-124-040, filed 2/22/72.]

**WAC 174-124-050 Institutional rights and obligations.** (1) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.

(2) The college has the obligation to prohibit the use of its name, its finances, and its facilities for commercial purposes.

(3) Evergreen has the right to prohibit individuals and groups who are not members of its community from using its name, its financial or other resources, and its facilities for commercial, religious, or political activities.

(4) The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law. [Statutory Authority: RCW 28B.40.120(11). 78-11-092 (Order 78-3, Resolution Motion 78-50), § 174-124-050, filed 11/1/78; Order 2, § 174-124-050, filed 2/22/72.]

**WAC 174-124-120 Procedural review—Subsequent modification of the social contract.** This document shall be reviewed with each review of the covenant on governance. [Statutory Authority: RCW 28B.40.120(11). 78-

11-092 (Order 78-3, Resolution Motion 78-50), § 174-124-120, filed 11/1/78; Order 2, § 174-124-120, filed 2/22/72.]

### Chapter 174-126 WAC USE OF HUMAN SUBJECTS

#### WAC

174-126-010	General policy.
174-126-020	Practices and procedures.
174-126-030	Human subjects review board.

**WAC 174-126-010 General policy.** This policy regarding the use of human subjects recognizes the responsibility to protect the rights, well-being and personal privacy of individuals, to assure a favorable climate for the conduct of academic-oriented inquiry, and to protect the interests of The Evergreen State College. The following practices and procedures have been established for the conduct of activities involving human subjects. [Statutory Authority: RCW 28B.40.120(11), 79-07-003 (Order 79-2, Motion 79-31), § 174-126-010, filed 6/7/79.]

**WAC 174-126-020 Practices and procedures.** (1) No activity involving human subjects shall be undertaken unless a human subjects review board has reviewed and approved such activity. This review shall determine whether these subjects will be placed at risk and, if so, whether:

(a) The risks to the subject are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks;

(b) The rights and welfare of any such subjects will be adequately protected; and

(c) Legally effective informed consent will be obtained by adequate and appropriate methods.

(2) Definitions.

(a) "Subject at risk" means any individual who may be exposed to the possibility of injury, including physical, psychological or social injury, as a consequence of participation in any activity which departs from the application of those established and accepted methods necessary to meet the subject's needs, or which increases the ordinary risks of daily life.

(b) "Informed consent" means the knowing consent of any individual or of a legally authorized representative. The consent is to be a free-will choice obtained from the subject or representative without undue inducement or any element of constraint or coercion. The basic elements of information necessary to such consent include:

(i) A description of the procedures to be followed, including an identification of those which are experimental;

(ii) A description of the attendant risks and discomforts;

(iii) A description of the benefits to be expected or the knowledge hoped to be gained;

(iv) A disclosure of appropriate alternative procedures that might be advantageous to the subject;

(v) An offer to answer any inquiries the participant has concerning the activity;

(vi) An instruction that the subject is free to withdraw at anytime without penalty.

(vii) An assurance that the subject's identity will remain confidential;

(viii) A disclosure of what costs the subject may immediately or ultimately be forced to bear, and what reimbursement of costs or other compensation the subject will receive.

(c) "Substantial experiment" means any activity involving risk to human health but would exclude all those activities relating solely to the gathering of data, material, and information.

(3) Activities subject to review.

(a) All activities supported by noncollege funds in which such action is required by the grantor;

(b) Other activities which involve the likelihood of risk or substantial stress or discomfort to the subject;

(c) Activities which include the administration of personality tests, inventories or questionnaires of a personal and sensitive nature;

(d) Activities involving health care procedures of any kind which are not principally for the benefit of the subject, or which include diagnostic or therapeutic measures that are not yet standard;

(e) Other activities in which the subject is not fully informed as to the procedure to be followed.

(4) Responsibilities.

(a) Responsibility for review and approval of proposed activities is vested in the human subjects review board.

(b) The appropriate dean or director under whose program the proposed activities emanate is responsible for determining if any of the above criteria (subsection (3) of this section) apply to the proposed activities and, if so, to forward the proposal to the human subjects review board.

(c) It is the obligation of the investigator to bring any proposed activity involving the use of human subjects to the attention of the respective faculty member, supervisor or dean. [Statutory Authority: RCW 28B.40.120(11), 79-07-003 (Order 79-2, Motion 79-31), § 174-126-020, filed 6/7/79.]

**WAC 174-126-030 Human subjects review board.**

(1) The purpose of the human subjects review board is to conduct initial and continuing reviews of the use of human subjects in accordance with the policy outlined in WAC 174-126-020(1).

(2) Review board composition and qualifications.

(a) The review board must be composed of not less than five persons with varying backgrounds.

(b) The review board must be sufficiently qualified through the maturity, experience and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects.

(c) The review board must be able to ascertain the acceptability of application and proposals in terms of institutional commitments and regulations, applicable law,

standards of professional conduct and practice and community attitudes.

(d) No review board member shall be involved in either the initial or continuing review of an activity in which the respective member has a conflict of interest.

(e) At no time shall the review board consist entirely of persons who are associated with the institution apart from their membership on the review board.

(f) The quorum of the review board shall be defined but in no event will be less than a majority of the total membership.

(g) Members of the review board are to be appointed by the president of the college for two-year renewable terms.

(3) Responsibilities of the human subjects review board.

(a) The review board will develop and maintain procedures which the college will follow in its initial and continual review of applications, proposals and activities.

(b) The review board will develop and maintain procedures to:

(i) Provide advice and counsel to activity directors and investigators with regard to the review board's actions;

(ii) Insure prompt reporting to the review board of proposed changes in an activity and of unanticipated problems involving risk to subjects or others; and

(iii) Insure that any such problems including adverse reactions to biological drugs, radioisotope labeled drugs or to medical devices are promptly reported to the appropriate authority.

(c) The review board will develop and maintain procedures which the college will follow to maintain an active and effective review board and to implement its recommendations.

(d) Policies and procedures established by the review board will be in compliance with federal (specifically Title 45, Sec. 46), state and local laws as well as college policies and procedures.

(4) Executive responsibility of the college.

(a) Review board approvals, favorable actions and recommendations are subject to review and disapproval or further restrictions by the president, academic vice president and administrative vice president.

(b) When it is a requirement of receipt of funds for the activity, review board disapprovals, restrictions or conditions cannot be rescinded or removed except by action of the review board.

(c) The president shall review all approvals by the review board for experiments involving human subjects and if, in his determination, it is a substantial experiment, prior to its commencement, it shall be submitted the board of trustees for final approval. [Statutory Authority: RCW 28B.40.120(11), 79-07-003 (Order 79-2, Motion 79-31), § 174-126-030, filed 6/7/79.]

## Chapter 174-128 WAC

### FACULTY MEMBERSHIP, APPOINTMENT AND EVALUATION

#### WAC

##### CATEGORIES OF FACULTY MEMBERSHIP

- 174-128-010 Philosophy.  
174-128-020 Categories of faculty membership.

##### FACULTY RECRUITMENT AND APPOINTMENT PROCESS

- 174-128-030 Philosophy.  
174-128-040 Recruitment of regular faculty.  
174-128-042 Procedures for hiring associate faculty.  
174-128-044 Resource faculty.  
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##### FACULTY EVALUATION

- 174-128-050 Philosophy.  
174-128-060 The appointment and evaluation cycles.  
174-128-062 Faculty seminars.  
174-128-064 The faculty portfolio.  
174-128-066 Faculty evaluation schedule.  
174-128-070 The dean's role in the evaluation process.

##### REAPPOINTMENT AND NONREAPPOINTMENT OF FACULTY

- 174-128-080 Reappointment and nonreappointment.  
174-128-090 Academic freedom and tenure.  
174-128-990 Appendix I—Diagram of faculty recruitment and hiring procedure.

### CATEGORIES OF FACULTY MEMBERSHIPS

**WAC 174-128-010 Philosophy.** Everyone who is directly responsible for generating credit at Evergreen will be a member of the faculty. The college seeks to avoid the distinctions in rank characterizing traditional institutions. Therefore, all faculty will be appointed to the rank of "member of the faculty" without any hierarchical distinction in titles. In those cases where indication of a professional specialty is relevant, designation of the particular discipline(s) from which the faculty member comes can be made in parentheses, e.g. "member of the faculty (biology)." [Statutory Authority: RCW 28B.40.120(11), 78-12-040 (Order 78-5, Motion 78-55), § 174-128-010, filed 11/22/78.]

**WAC 174-128-020 Categories of faculty membership.** Since different members of the faculty may, however, have differing kinds of responsibilities, the college has established categories of faculty membership which recognize the necessary differences in selection, evaluation, and reappointment procedures. These categories are:

- (1) Regular faculty;
- (2) Associate faculty;
- (3) Resource faculty; and
- (4) Staff faculty.

The distinguishing characteristics of each of these categories are summarized below.

(a) Regular faculty. Regular faculty members are primarily hired to teach, except that the president, provost, academic deans, and dean of the library are also regular faculty members.

Regular faculty (except for the administrators denoted above) are expected to teach in the three major

modes of instruction as their primary responsibility, but are also expected to participate in curricular planning, serve on DTF's, advise students, engage in faculty development, and carry out the faculty duties discussed in the section on faculty evaluation and reappointment (WAC 174-128-080). The administrators identified above will carry out the duties defined in their job descriptions while serving in an administrative capacity.

Regular faculty other than the president, provost, academic deans and the dean of the library are selected through the regular faculty hiring procedure defined in WAC 174-128-030. They are appointed for a three-year contract initially with three-year renewals dependent on satisfactory evaluations through regular faculty procedures described in WAC 174-128-050 through 174-128-070. They may be full or part time.

Regular faculty are compensated on the normal faculty salary scale. The administrative officers named above shall be compensated according to appropriate salary scales from sources other than the instructional budget.

(b) Associate faculty. Associate faculty are those individuals working in a teaching capacity who have not been designated either regular faculty or staff faculty. Associate faculty may or may not be expected to participate in DTF's, curricular planning, advising students, etc. depending on the terms of their contract. They are selected in accordance with procedures specified in WAC 174-128-042 by the deans according to their qualifications and ability to teach in order to meet particular curricular needs defined by the curricular development process. If a staff member's associate faculty membership will require teaching during that staff member's regular work hours, permission must be obtained from the appropriate staff budget unit head. Associate faculty may be full or part time.

Associate faculty are appointed for a contract period not to exceed one year. Reapplication for the same status (associate faculty) is possible. Associates may apply for regular faculty positions or staff-faculty membership through the normal regular faculty and staff-faculty hiring procedures. Full-time associates will be evaluated in the same manner as regular faculty. Associates are also evaluated on any other duties which may have been specified as part of their contract. In the event that a staff person is denied or loses associate faculty status, that action will not affect his/her continuation in regular staff duties and position.

Associate faculty are compensated from the instructional budget commensurate with their duties, except that associate faculty who are also staff will not be compensated additionally for teaching two or fewer individual contracts.

(c) Resource faculty. Resource faculty are selected by the provost with appropriate advice from the TESC community to meet particular institutional needs. They may be full or part time. Normally, they will not be directly responsible for the generation of credit. Resource faculty appointments would fall into three categories as follows:

(i) Appointments under grant auspices in which the individual's remuneration is not part of the college's faculty entitlement;

(ii) Appointments in which another institution bears the cost of the individual's being at Evergreen — e.g., faculty from other colleges and universities on paid sabbatical from their home institution who require institutional affiliation as a condition of their sabbatical; and

(iii) A limited number of persons serving in short-term (i.e., less than a full quarter) capacities as visiting artist, scholar, or lecturer. Less than one FTE of faculty entitlement is to be used by the college in this fashion in any given year. Compensation in such appointments is set by the provost corresponding to the individual's contractual obligations.

Resource faculty have contract periods of no more than one academic year and renewal options as appropriate to their situations. They are compensated appropriately at the discretion of the provost but according to existing salary policies.

(d) Staff faculty. The current definition given in WAC 174-129-010 through 174-129-030 applies to this category. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-020, filed 11/22/78.]

**\*Reviser's note:** At the time of this publication, WAC 174-129-010 through 174-129-040 has not been filed in the office of the code reviser.

## FACULTY RECRUITMENT AND APPOINTMENT PROCESS

**WAC 174-128-030 Philosophy.** The Evergreen curricular program demands motivation and a range of competencies not always required of faculty in colleges and universities whose offerings are organized around departments. Some of the characteristics which we seek in prospective faculty members are:

(1) Previous experience or clearly expressed desire to participate in collaborative interdisciplinary teaching;

(2) Willingness to work as a member of a coordinated studies team;

(3) Demonstrated expertise in one or more fields of study and a willingness to participate with students in learning new fields (a Ph.D. is not in itself a requirement for hiring or retention);

(4) Willingness to teach and learn through the exploratory, cooperative seminar mode (see WAC 174-128-062);

(5) Willingness to work with students in tutorials and individual contracts;

(6) Willingness to act as an academic advisor; and

(7) Willingness to participate in TESC governance activities, task forces, etc.

The goal of the recruitment and appointment procedure for regular faculty is to develop a large pool of applicants which implements our affirmative action policy and reflects the characteristics above, to involve the Evergreen community as much as is possible in the planning for and selection of candidates, and to keep applicants, the affirmative action officer and community



aware of the stages within the hiring procedure. All candidates for regular faculty appointments shall go through the procedure detailed below and diagrammed in Appendix I [WAC 174-128-990]. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-030, filed 11/22/78.]

**WAC 174-128-040 Recruitment of regular faculty.**

(1) Stage I. Identification of recruiting areas. The faculty recruitment process should begin in the spring, eighteen months before the new faculty will be hired. At that time the academic deans, in consultation with the faculty, students, and appropriate staff will identify tentative priority needs (academic areas) in faculty recruitment. These needs will be discussed with dean-faculty groups and specialty areas and be made available for comment from students and staff through regular channels after which final priorities will be determined. The deans will then consult with the faculty associated with that academic area and the affirmative action office to draw up a list of recruitment sources appropriate to each area and to the affirmative action policies of the institution. These sources will be selected to reach deeply into the pool of Third World and women candidates and must be considerably broader than conventional professional journals. The advertising will include specific remarks describing the general philosophy of education at Evergreen and the areas to which an applicant needs to speak.

(2) Stage II. Application and completion of file. The initial process is designed to develop complete applicant files and to help prospective candidates understand us and our hiring needs and respond appropriately. It is not the purpose to eliminate candidates at this stage.

Each application, be it a response to our advertising, self-initiated, or initiated by personal request of a current Evergreen person, will be assigned a file. The dean whose desk responsibility is faculty recruitment will review all files for completeness. A complete file will include: (a) Vitae; (b) two or more letters from colleagues; (c) two or more letters from students (if applicable); and (d) a written essay addressing the applicant's philosophy of education and the seven characteristics above. During the initial process applicant files will be sorted into three categories to aid applicants in completing their files and Evergreen in assessing the status of those files:

(i) Category 1. This category contains those applicants whose competencies or academic philosophies do not appear to match our hiring needs. The dean sends the applicant a letter describing Evergreen's educational philosophy, areas of hiring interest, projected hiring dates, and that the applicant's competencies or educational philosophies do not appear to fit these needs;

(ii) Category 2. The applicant is a possible candidate but the file is incomplete. The dean sends the applicant a letter stating this, the specific information needed to complete the file, and the dates in the hiring process;

(iii) Category 3. The applicant is a possible candidate and the file is complete. The dean sends a letter stating that we have the complete file and indicating the dates in the hiring process.

To keep track of the applicant's status, the files will be kept at a single location separated by category. If identifiable, the files of women and Third World persons should be flagged. The front jacket of each file will be marked to indicate the standard letter(s) sent. Copies of any nonstandard letters will be included in the file. As applications are received, the file will be reviewed, categorized, and tagged appropriately. The dean's office will maintain a list of current applicants that indicates category and identifies women and Third World candidates. The list will be open to the community and affirmative action officer and both will be notified once it has been drawn up.

Applicants remaining in category 1 at the end of stage II will be sent letters of rejection by the dean. Files in category 1 will be held until the end of the academic year and then destroyed. Files still in category 2 may be reviewed by the faculty screening committee (to be described later) and those individuals may be contacted in order to get completion if it seems appropriate. Any applicants that present anomalies in classification go to the faculty screening committee for review.

(3) Stage III. Screening of files and identification of candidates. Fall quarter, the dean whose desk responsibility is recruitment will convene the faculty screening committee using the procedures in the governance document. The purpose of this committee shall be to screen the files of applicants, make recommendations with respect to candidacy, interview prospective candidates when possible, and make hiring recommendations. The faculty screening committee should contain ten members of the faculty, five students, and five staff members. Each member will hold a two year overlapping term (half the members of each group are new each year). In each case (faculty, student, staff), the committee should include a wide array of disciplines and areas of specialization and representation of men and women, white and third world. The faculty screening committee will be "current" until new membership is appointed the next fall. In emergency situations or at times when a full committee cannot be brought together (e.g., summer) the deans and provost will consult with as many members as can be reached. All appointments not receiving full committee review will be made for not more than one year in duration.

The committee will read the applicants' files in category 3 (and possibly 2) and evaluate each applicant in light of the criteria in WAC 174-128-030(1) through (7) with the goal of identifying active candidates.

The files will be available for review by other faculty, students, and staff. Written comments by each reader should be added to the file at this point. As the faculty screening committee identifies applicants about whom more information is needed, it will inform the appropriate dean who will attempt to secure the information for the file. By the end of the screening period all applicants in category 3 will be designated active or inactive. All candidates classified as inactive shall receive letters from the deans indicating their status as future potential candidates. Applicants remaining in category 2 are sent letters of rejection by the dean. The list of current

candidates shall be updated to indicate classification as active or inactive. The inactive files shall be retained for review if either the college or the candidate requests it during the two years following the initial application.

As the faculty screening committee identifies active candidates, it will inform the dean with the recruiting desk assignment, who will invite, when possible, the candidate for a campus visit. As a part of the invitation the candidate will be informed that the campus visit is extremely important. If a visitation is not possible, conference phone calls should be used.

The cost of the candidates' visits, including transportation and accommodations, shall be paid by the college to the extent permitted by statute, current travel policy, and availability of funds.

Acceptance of the invitation and/or the provision of accessory information requested by the faculty screening committee by the candidates shall mark their entry into stage IV of the hiring process.

(4) Stage IV. Interviewing and recommendation for hiring. The dean's secretary or student staff, under the supervision of the dean, shall be responsible for organizing and publicizing the campus visits of active candidates. These visits shall be publicized with the information center, campus media, and the happenings at least one week prior to the visit so that all Evergreen community members who desire to meet the candidates may do so. There will be a standard time and place set aside insofar as it is possible (e.g., noon on Wednesdays) for the Evergreen community to meet the candidate. During the campus visit the dean whose desk responsibility is recruiting will attempt to make arrangements for the candidate to meet: (a) The faculty screening committee; (b) additional faculty, staff, and students interested in meeting the candidate; (c) staff representatives from student services, cooperative education, the registrar's office, and any other area relevant to this person's specialty; (d) the academic deans and the dean of the library; (e) the provost; and (f) the affirmative action officer. The dean's secretary or student staff shall arrange for additional introductions and interviews in accordance with the needs and expressed desires of the candidates, deans, faculty screening committee, and other Evergreen community members.

Following the candidate's visit to campus, members of the Evergreen community who met with the candidate will be expected to contribute written statements of their observations and opinions to the candidate's file. A period of at least two weeks shall be provided after the campus visits during which written statements may be added to the candidate's file. Following this period, the faculty screening committee will review the active candidates' files and provide a list of candidates who would be the most beneficial additions to the faculty. Normally this will be accomplished by the end of February.

The deans will then review the active candidates' files, consider the advice of the faculty screening committee and others, and make their recommendation to the provost from among the candidates. If the deans wish to consider making an offer to someone who was not recommended by the screening committee's list for any

reason (for example, new candidates for positions which became vacant later in the year) the dean responsible for faculty recruiting will have the current faculty screening committee review the candidate's file, using the same criteria used during the initial screening process. The deans will make recommendations to the provost, who will have appointing authority subject to final approval by the president. The dean responsible for faculty recruiting will convey hiring decisions and the reasons for them to the faculty screening committee, the affirmative action officer, and community as a whole. The provost will inform the public information officer when signed contracts have been received. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-040, filed 11/22/78.]

**WAC 174-128-042 Procedures for hiring associate faculty.** (1) Full-time appointments. This category includes:

- (a) Visiting positions where a faculty member is on leave from another institution;
- (b) Specific, short-term positions in programs;
- (c) Situations where there is an identified position but the applicant pool is not diverse enough to hire a regular faculty member;
- (d) Emergency hiring (e.g., during summer, or replacement during the year) where the full faculty screening committee cannot be constituted or the full screening procedure cannot be observed.

In general, the procedure for one-year appointments is similar to hiring regular faculty. These positions should be identified and advertised as one-year appointments. In addition, the procedure should include categorizing and responding to applicants, affirmative action and reporting of information to the affirmative action officer, screening through the existing faculty screening committee, and recommending to the dean and provost in accordance with the procedures for hiring regular faculty.

The procedure should reflect the specialized needs of programs planned for the forthcoming academic year. Thus applicants need not have the diverse background reflected in hiring criteria for regular faculty. The applicant essay may be directed more concretely to a position in a program for which she/he is applying. When possible, the faculty team with whom the applicant might be working should be actively involved in the screening and recommendation process.

One-year appointees wishing to apply for regular faculty status in the future go through the hiring procedure for a regular faculty applicant.

(2) Part-time appointments. These faculty are hired to teach specific part-time segments of the curriculum that have been identified as nonfillable with the current regular faculty. It is accepted that these positions require persons with specific areas of competence and may arise at almost any time. Compared to regular and one-year appointments, these positions might be filled with less rigorous advertising or control by the faculty screening committee. When it is possible to anticipate

needs, the position must be advertised. The current faculty especially must be appraised of the potential positions and requested to submit names of individuals who might be interested or capable. If the appointment is to be a part of a larger program, that program team must be involved in screening and selection.

The dean with the module desk responsibility is to develop a method for the regular evaluation of all part-time associate faculty and of the modules in which they teach. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-042, filed 11/22/78.]

**WAC 174-128-044 Resource faculty.** Resource faculty are selected by the provost with appropriate advice from the Evergreen community to meet particular institutional needs. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-044, filed 11/22/78.]

**WAC 174-128-046 Staff-faculty.** See \*WAC 174-129-010 through 174-129-040. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-046, filed 11/22/78.]

\*Reviser's note: At the time of this publication, WAC 174-129-010 through 174-129-040 has not been filed in the office of the code reviser.

## FACULTY EVALUATION

**WAC 174-128-050 Philosophy.** Faculty evaluation at Evergreen should be a pleasure. The primary purpose of Evergreen's faculty evaluation procedures is to provide reinforcement and feedback with respect to each faculty member's commitment to the teaching arts, the basis on which all Evergreen faculty appointments are made.

Unfortunately, most institutions of higher education still make little provision for learning the art of teaching. With only the rarest of exceptions, American colleges have no real apprentice system for developing the teacher's craft. The assistant professor is not associated with the full professor in the enterprise of teaching. Junior professors are simply paid less and have less power in their departments. In the meantime they are busy publishing, or worrying about not publishing. Their seniors do not help them learn to teach. There is no reason why this should continue. Evergreen will provide members of its faculty with opportunities to learn to teach, to experiment, to acquire intellectual breadth and depth, and to get acquainted with students free from the usual constraints of specialized discipline and department.

Because of the unique structure of the college, the faculty member will have the opportunity to learn to do things he or she would never feel free to try in a discipline-bound department. Moreover, she or he will have the experienced staff to lean on for advice and assistance. They will provide a reservoir of experience in small-group teaching.

Well-designed programs will come to nothing unless we can help each other discover and perfect the art of

teaching. Every dean and experienced member of the faculty will be charged with the responsibility of helping other members of the faculty in this very difficult but exciting enterprise. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-050, filed 11/22/78.]

**WAC 174-128-060 The appointment and evaluation cycles.** Faculty evaluation is to be viewed as an ongoing process occurring in regular cycles. Each year a regular faculty member is to have an evaluation session with his or her dean, at which time portfolios are to be exchanged and their contents discussed. In the first and last years of a regular faculty contract the evaluation sessions are primarily directed toward aiding continued growth, the identification and discussion of areas of strength and weakness, and ways of improving upon these strengths and/or eliminating weaknesses. If in these growth evaluations the dean sees deficiencies which, if not corrected, might serve as grounds for non-reappointment, those deficiencies must be clearly discussed, both in the dean's oral and written evaluation of the faculty member.

(1) The initial appointment for regular faculty will be for three years, and the first-year teaching assignment will be to a coordinated studies program. The first evaluation procedure will be conducted by the deans in the latter half of spring quarter of year one, and will be directed explicitly toward faculty development questions. If there is evidence of difficulty in adjusting to Evergreen teaching styles and demands, the deans, in consultation with the faculty member, will arrange for specific assistance, either through the faculty team of the second year's teaching assignment, or by a small, mutually agreed upon consultant team of experienced and successful faculty, or both. In addition students provide information and support vital to faculty development. The faculty members may request help from mutually agreed upon students both on the consulting team and in informal conferences. The team, with the dean and the faculty member in question, will design a program to correct whatever difficulties have been identified and discussed in the previous evaluation session. It will be the responsibility of the dean to meet periodically over the year with these individuals as a group to assess and advise on the progress being made. The second formal evaluation process will take place in spring quarter of year two and should provide evidence of continued good performance or satisfactory improvement through the faculty development consulting process. This evaluation is also the critical retention evaluation. In the case of a one-year reappraisal extension, any remaining deficiencies should be clearly identified in writing by the deans and the development consulting process continued as required. In case of a nonretention decision, year three will serve as a terminal year.

(2) All evaluation sessions will consist of a close scrutiny of the faculty member's portfolio, taking special note of previous growth evaluations. Both dean and faculty member will assess the faculty member's growth and development over the contract period. Except for

faculty in their initial appointment, there will be two growth evaluations prior to a reappointment evaluation; in the case of faculty in their initial appointment, the second growth evaluation is concurrent with reappointment evaluation. After each regular faculty member has completed his or her reappointment evaluation session, the provost, upon recommendation of the deans, will inform that person of intent either to:

- (a) Reappoint for a three-year contract period; or
- (b) Issue a one-year reappraisal extension to the present contract, with explicit written statements of deficiencies to be corrected during the reappraisal year; or
- (c) Terminate employment at the end of the current contract.

For those faculty receiving one-year reappraisal extensions, the deans will provide consulting assistance similar to that discussed above, to provide maximum opportunity for correction of the deficiencies. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-060, filed 11/22/78.]

**WAC 174-128-062 Faculty seminars.** Collaborative, interdisciplinary study constitutes the heart of the Evergreen curriculum. An integral and indispensable component of such study is the faculty seminar in which faculty members meet to conduct their own seminar, and in which they discuss materials and ideas which either will be explored later in student seminars (as in a coordinated studies program) or which in some other manner will be brought to the teaching of participating faculty. In faculty seminars, the faculty draw upon their respective areas of expertise to share viewpoints and to offer criticism of the subject at hand. They are not discussions of teaching but represent an important scholarly activity and in part replace the "publish or perish" syndrome prevalent at other institutions.

In recognition of the central curricular role of collaborative, interdisciplinary study and the significance of faculty seminars for growth and development, faculty are expected to be regularly and consistently, if not continuously, involved in faculty seminars of the kind characterized above. Therefore, following the assignment of faculty to programs, individual or group contracts, or other duties, faculty who are not in programs and thereby already in teams, are expected either to align themselves with existing teams or to form their own teams among themselves for the purpose of faculty seminars. In either event, the members of the seminar are to negotiate the particular details of their collaborative work, including a list of the materials to be discussed, place them in a covenant, notify their deans of the arrangement and include a copy of the covenant in their portfolio, along with evaluative statements by the seminar members of one another's performance in faculty seminar. However, it is not the intention of these expectations to inhibit individual scholarship. Therefore, an exception to the above arrangement will be possible upon submitting an alternative plan to the deans, together with appropriate evaluative procedures, and upon receiving written acknowledgement from a dean. The overriding concern will be that in the long run one's scholarly

activities be consonant with Evergreen's commitment to collaborative, interdisciplinary study. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-062, filed 11/22/78.]

**WAC 174-128-064 The faculty portfolio.** As one of the conditions for reappointment, each faculty member must maintain a portfolio representing work done at and for the college during the contract period. This document should be thought of as a cumulative intellectual and professional history, carefully organized for readability, and critically reviewed and commented upon annually by one of the academic deans with the intent of encouraging growth and development in the arts of learning and teaching in the Evergreen environment. In the year prior to the end of a contract period, this cumulative portfolio will become the principal documentary evidence for a thorough evaluation by the deans and the principal source for determining satisfactory performance in the criteria for reappointment or nonreappointment. After the reappointment evaluation, the faculty member selects materials to be retained in the portfolio and begins to build a fully documented, inclusive portfolio to cover the next three-year evaluation cycle. The process begins anew at the conclusion of each evaluation cycle.

To fulfill the spirit of the process, the faculty portfolio should be more than just a personnel file. As it is a vehicle for the growth and development of each faculty member as a person who is both learning and teaching, it should be in part an autobiography and contain the materials for an autobiography. It is recognized that other items than those enumerated below may be contained in the portfolio and might in fact tell more about growth and development and contributions to the college than do the enumerated items themselves. It is the responsibility of the dean evaluating the faculty member to understand the portfolio as more than a personnel file and respond to it in its entirety rather than focus on the enumerated items. New faculty members may seek assistance from experienced faculty in assembling their first portfolio.

To fulfill both the growth and development function and the evaluation function, the portfolio is expected to be as complete and informative as possible. For each year of work the portfolio is expected to contain, as a minimum, the following:

- (1) Both the self-evaluation and the dean's evaluation from the previous year;
- (2) All evaluations of you by your faculty colleagues;
- (3) All evaluations you have written of your faculty colleagues;
- (4) All evaluations of you by staff members;
- (5) All evaluations you have written of staff members;
- (6) All evaluations of you by your students;
- (7) All evaluations you have written of your students' work both transcript and informal;
- (8) Copies of your coordinated studies program covenants or group contract agreements between you and your students;
- (9) Copies of individual contracts you have sponsored;

(10) A thoughtful and critical self-evaluation of the current year's work, based largely on the documentation available in the portfolio. This essay should assess your successes and your disappointments, and it should address the areas in which you hope to make improvements during the following year in your teaching, in your other contributions to Evergreen, in your fields of expertise, and in exploring new academic interests.

Each year, at least one of the academic deans will review this portfolio and self-evaluation while in return having her or his own portfolio reviewed by the faculty member. Each party will write a critical evaluative response for inclusion in the other's portfolio. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-064, filed 11/22/78.]

#### **WAC 174-128-066 Faculty evaluation schedule.**

Each year, during the first half of winter quarter, evaluation conferences will be scheduled with the deans for those faculty members for whom reappointment decisions are to be made. During the remaining portion of winter quarter and on into spring and summer quarters as necessary and feasible, conferences will be scheduled with the remainder of the faculty. Reappointment decisions will be completed prior to the end of winter quarter, and notification given to each person. The evaluation process will proceed as follows:

(1) A conference will be scheduled between a faculty member and one of the academic deans who has worked most closely with that faculty member during the current academic year. (Among other working relationships possible, the dean should have visited the faculty member's academic program on more than one occasion during the current academic year.)

(2) Before the scheduled conference, the dean and the faculty member will exchange portfolios. Both the dean and the faculty member will prepare written responses for inclusion in the portfolio of the following year.

(3) For the reappointment cases, shortly after the conference sessions are ended, the deans will meet and jointly prepare a recommendation in writing on each faculty member to be submitted to the provost, with a copy to the faculty member involved.

Faculty whose appointments include unusual duties will have the specific criteria of their evaluation written into their contract letter. In cases of leave or other interruptions in the evaluation cycle, advance written provision for evaluation must be agreed upon by the faculty member and the dean. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-066, filed 11/22/78.]

**WAC 174-128-070 The dean's role in the evaluation process.** (1) If the evaluation process at Evergreen is to work well and promote the goal of faculty development, the deans must have sufficient time and commitment to make it a major aspect of their decanal responsibilities. Further, in order to fully utilize the handbook's mechanisms for faculty growth and development, dean-faculty evaluations must be entered into in an open and frank spirit.

(1983 Ed.)

(2) In order to provide sufficient time for thorough evaluation and counseling to those faculty for whom deficiencies are noted and to those in their reappointment evaluation, the deans will exercise discretion in evaluating the remaining faculty. For a faculty member in the third year of a three-year contract, the deans may decide to review the portfolio, hold an evaluation conference, and write only a pro forma note affirming the conference. Or, for faculty teams whose programs are running smoothly, the dean may choose to hold a group evaluation with the team and submit an affirming note to each member of the program team. In all cases, every faculty member will write an evaluation of his or her dean.

This reduced evaluation process allows the deans to devote careful attention and consideration to reappointment evaluations and to those faculty for whom deficiencies are evident or have been previously noted. In these latter cases, it is the responsibility of the deans to enter directly into the process of development and consultation as described in the section on the appointment and evaluation cycle. It is important that the dean state and explain each deficiency clearly and specifically in writing and make sure that the faculty member who has been so informed is assigned to another dean the following year. It is then the joint responsibility of both deans to work together, along with the faculty member and the mutually-selected consultative team, to attempt to correct any deficiencies which have been identified. Where appropriate to the correction of a deficiency, it is advisable that the faculty member be assigned to a coordinated studies team made up of experienced faculty especially capable of helping other faculty improve their performance. That assignment should be made only on the mutual agreement of all parties to work together on overcoming the identified deficiencies. Finally, the dean should be open to the possibility of seeking other special assistance in or outside the college for faculty members who request that assistance in resolving their difficulties.

(3) In addition to these obligations relating to the formal evaluation, the deans will monitor various aspects of faculty performance throughout the contract period, for example: Timely completion of student credit reports and transcript evaluations in accordance with current academic policies, carrying of a fair share of the instructional load over the time of the contract, continuing mastery of one or more fields of expertise along with the development of interdisciplinary competence, etc. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-070, filed 11/22/78.]

#### **REAPPOINTMENT AND NONREAPPOINTMENT OF FACULTY**

**WAC 174-128-080 Reappointment and nonreappointment.** The reappointment criteria speak to those academic qualities, skills, and attitudes of professional colleagueship which make for excellence in undergraduate teaching. The evaluation process, through which reappointment decisions are made, has at its heart a

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concern for excellence in all aspects of the academic enterprise; and each faculty member will be evaluated in terms of his or her growth as a teacher, colleague, and member of the Evergreen community.

Specifically, reappointment decisions will focus on the development and creative use of teaching skills stressed by Evergreen's curricular modes as evidenced by:

- (1) Program design and leadership;
- (2) Seminar leadership;
- (3) Individual contract design and leadership;
- (4) Lecturing;
- (5) Laboratory, studio or workshop leadership;
- (6) Timely evaluation writing of students and colleagues;
- (7) Student counseling and academic advising;
- (8) Writing and adhering to a faculty covenant;
- (9) Participating in faculty seminars (see section on faculty seminars WAC 174-128-062);
- (10) Keeping a faculty portfolio and participating in the annual faculty-dean evaluations (see section on faculty evaluations WAC 174-128-064 and 174-128-066);
- (11) Demonstrating mastery of one's fields of specialization, willingness and ability to encounter other disciplines, and acceptance of the collaborative assumptions of the coordinated studies mode;
- (12) Devoting at least one-third of a three-year contract to the development of interdisciplinary competence through teaching in the coordinated studies mode;
- (13) Participating in Evergreen activities, in addition to teaching, such as DTF's, curriculum development and evaluation, and the Evergreen council.

More experienced Evergreen faculty members, in addition to excellence in their own teaching, will be expected to contribute to the growth of their colleagues' skills. Therefore, after the initial contract period, the following additional criteria will apply to reappointment decisions.

- (14) Advising and working with faculty members in the acquisition and improving of Evergreen teaching skills;
- (15) Willingness to teach with new faculty in coordinated studies programs;
- (16) Serving, when requested, on consultative teams as specified in WAC 174-128-060(1). [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-080, filed 11/22/78.]

**WAC 174-128-090 Academic freedom and tenure.** We subscribe to the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure as modified by the following provisions designed to tailor this statement to our specific educational objectives:

- (1) It is the policy of The Evergreen State College that no faculty member will be separated from the college because of written or spoken views, according to the guarantees of the First Amendment to the Constitution of the United States.
- (2) The principles governing academic freedom at Evergreen apply to all members of the faculty.
- (3) A regular faculty appointment is for a three-year contract. A regular faculty member must be evaluated

annually and informed in writing of any deficiencies which might be cause for nonreappointment. Prior to April 15 of the penultimate year of the contract (hereafter referred to as the reappointment year), each regular faculty member must be informed if she or he is to be reappointed to a three-year contract, or is to be terminated. The regular faculty member to be terminated must receive a written statement of the reasons upon which the decision to terminate was based. The regular faculty member to be issued a one-year reappraisal extension to his or her present contract must receive a written statement of the deficiencies to be corrected during the reappraisal year. A regular faculty member who has not been advised otherwise by April 15 of the reappointment year of his or her current contract will be awarded a new three-year contract at the end of the current contract period. Except as provided in subsection (4) of this section, no regular faculty member may be terminated or issued a reappraisal extension for reasons of which he or she was not previously informed during the annual evaluation prior to the one for the year in which the decision not to reappoint was made. Only the criteria for reappointment and nonreappointment previously specified in WAC 174-128-080(1) through (16) may be applied to that regular faculty member in making the decision for reappointment or nonreappointment to a three-year contract. Increases in salary and fringe benefits may, however, be made at any time during the life of the contract.

(4) The only reasons for which a regular faculty member's appointment may be terminated prior to the end of his or her current contract are the necessity for a campus-wide reduction-in-force as provided in \*WAC 174-112-850 through 174-112-860 or the result of a violation of the social contract (WAC 174-124-010 through 174-124-120) via procedures carried out under the provisions of COG (\*\*WAC 174-108-010 through 174-108-080).

(5) A regular faculty member who has been advised that he or she will not be reappointed to a three-year contract (except those receiving a one-year reappraisal extension) shall have access to the following adjudicative procedure. In all cases it is the decision of the aggrieved faculty member to request the grievance procedure as outlined below within sixty days of receipt of the notice of nonreappointment, and in which it is assumed the burden of proof lies with the institution.

The faculty member and the institution will each select two representatives from within the college to reflect the opinions of the two sides in dispute. The four members of this ad hoc committee will select an impartial fifth person from inside or outside the college to act as judge. After consultation, investigation and hearings, the decision of the judge will be binding on both sides. The hearing must begin as soon as possible after the faculty member formally requests it, and in no case more than two weeks thereafter. In cases of failure to agree on a judge, he or she will be chosen at random, by the chairperson of the board of trustees in a public meeting, from a list of three persons agreed upon in advance between a faculty task force and the trustees. The potential hearing

officers will serve staggered terms of no longer than three years. [Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-090, filed 11/22/78.]

**\*Reviser's note:** At the time of this publication, WAC 174-112-850 through 174-112-860 has not been filed in the office of the code reviser.

**\*\*Reviser's note:** WAC 174-108-010 through 174-108-080 has been repealed by Order 75-5, filed August 12, 1975.



WAC 174-128-990 Appendix I--Diagram of faculty recruitment and hiring procedure.

DIAGRAM OF FACULTY RECRUITMENT AND HIRING PROCEDURE

APPENDIX I

STAGE I

Identification of Recruiting Areas

- a. Identify areas with Evergreen Community
- b. Advertise areas

STAGE II

Application and Completion of File

Faculty applications received by Dean who categorizes

Category 1

Information obtained

Incomplete file, does not appear to match hiring needs

List to Affirmative Action Office files held to end of academic year

Category 2

Information obtained

Possible candidate  
Incomplete file

List by category to Affirmative Action Officer

Proceed to Stage III

Category 3

Possible candidate  
Complete file

STAGE III

Screening of Files and Identification of Candidates

Dean convenes Faculty Screening Committee with publicity that screening has begun (files open for Evergreen community review and comment from this point forward).

Screening Committee reviews and classifies applicants in Category 3 (and possibly 2)

Inactive

Names and criteria used in classification go to Affirmative Action Office

Applicants remaining in Category 2 are sent letter of rejection

Active

Proceed to Stage IV

Applicants in Category 3 are sent letter indicating status as potential future candidates  
Files retained, updated and reviewed for two years

STAGE IV

Interviewing and Recommendation for Hiring

Dean's secretary and/or student staff organizes and publicizes campus visit

Candidates visit and meet:

- a. Faculty
- b. Students
- c. Staff and/or Support Services
- d. Academic Administration

Active candidates' files open for comment by Evergreen community

Faculty Screening Committee reviews and classifies active candidates

not recommended

List to Affirmative Action Office with criteria for reclassification

recommended

List to Affirmative Action Office with criteria for continuation

Deans review and make selection

Provost

Dean

Report decisions to Evergreen community  
List to Affirmative Action Office

Contract offer

Notification of acceptance

[Statutory Authority: RCW 28B.40.120(11). 78-12-040 (Order 78-5, Motion 78-55), § 174-128-990, filed 11/22/78.]

**Chapter 174-136 WAC  
USE OF COLLEGE FACILITIES**

**WAC****OUTSIDE SPEAKERS, PERFORMERS, AND OTHER EVENTS  
(FACILITIES PLANNING AND UTILIZATION POLICY)**

- 174-136-010 General policy.
- 174-136-011 Limitations.
- 174-136-012 Sponsoring and broad policy.
- 174-136-013 Scheduling and reservation priorities.
- 174-136-014 Facilities assignment and scheduling responsibility.
- 174-136-015 Procedures for securing permission and reservations.
- 174-136-016 Scheduling and procedures.
- 174-136-017 Other requirements.
- 174-136-018 Audio and visual recording.
- 174-136-019 Activities for commercial purposes.
- 174-136-02001 Revenues.
- 174-136-021 Conferences and conventions.
- 174-136-022 Penalties for violations of commercial activities regulations.
- 174-136-040 Habitating in unauthorized places—Prohibition.
- 174-136-042 Habitating in unauthorized places—Penalties for violation.

**THE EVERGREEN STATE COLLEGE LIBRARY  
CIRCULATION POLICY (FACILITIES PLANNING AND  
UTILIZATION POLICY)**

- 174-136-060 Access and use of library resources.
- 174-136-070 Priority.
- 174-136-080 Loan periods.
- 174-136-090 Lost and damaged library resources.
- 174-136-100 Reserve.
- 174-136-110 Charging out library resources.
- 174-136-120 Interlibrary loan.
- 174-136-130 Circulation records.
- 174-136-140 Selection of resources and services.

**SMOKING REGULATIONS**

- 174-136-160 When smoking is permitted.
- 174-136-170 When smoking is not permitted.

**ON-CAMPUS EMPLOYER INTERVIEWS AND RECRUITING**

- 174-136-210 Policy.
- 174-136-220 Hearing board.
- 174-136-230 Discrimination.
- 174-136-240 Protests.
- 174-136-250 Requests from employers.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS  
CHAPTER**

- 174-136-020 Policy implementation. [Order 72-1, § 174-136-020, filed 5/5/72.] Repealed by Order 75-4, filed 8/12/75.

**OUTSIDE SPEAKERS, PERFORMERS, AND  
OTHER EVENTS  
(FACILITIES PLANNING AND UTILIZATION  
POLICY)**

**WAC 174-136-010 General policy.** The Evergreen State College is an educational institution provided and maintained by the people of the state of Washington. Those activities related to its broad educational mission shall at all times have first call on its campus buildings, properties and facilities. [Order 74-2, § 174-136-010, filed 5/24/74; Order 72-1, § 174-136-010, filed 5/5/72.]

**WAC 174-136-011 Limitations.** (1) College facilities may not be used in ways which interfere with or are

detrimental to the college's own teaching, research, public service or support programs, or which interfere with the free flow of pedestrian or vehicular traffic.

(2) College facilities may not be used for religious worship, exercise, or instruction (Washington state Constitution, Article I, section 2).

(3) College facilities may not be used for private or commercial purposes such as solicitation, sales, advertising or promotional activities, unless such activities clearly serve educational purposes and when sponsored by or undertaken at the request of an appropriate college unit, or when by contractual agreement with the college.

(4) College facilities may be used on a nondiscriminatory basis for the purpose of political campaigning by or for candidates who have filed for public office when space is provided to the candidate or party on a rented basis at rates the same as those charged to nonpolitical activities, or when sponsored as a public service by the college or its students, faculty or staff.

(5) In no case may college facilities or services be used to establish or maintain an office or headquarters for a political candidate or partisan political cause.

(6) No speaker or performer will be barred from appearance on the Evergreen campus on account of nationality, race, color, sex, religion, political affiliation, or personal philosophy.

(7) No person not a member of the Evergreen student body, faculty or staff has an inherent right to conduct an event or speak, lecture, or perform on the Evergreen campus.

(8) No person not a member of the Evergreen student body, faculty or staff has a right to demand that he/she be allowed to participate in an event or listen to or watch a speaker, lecturer, or performer on the Evergreen campus.

In exceptional cases, the president may at his/her discretion limit participants or audience to members of the group who issued the invitation. [Statutory Authority: RCW 28B.40.120(11). 79-01-020 (Order 78-4, Motion 78-54), § 174-136-011, filed 12/15/78; Order 74-2, § 174-136-011, filed 5/24/74.]

**WAC 174-136-012 Sponsoring and broad policy.**

(1) Any Evergreen student, faculty, or staff member, or formal or informal organization thereof, is eligible to sponsor an event or the appearance of a speaker, lecturer, performer or other individual or group from outside the college, subject to WAC 174-136-010 through 174-136-022 and the **Faculty Handbook**, and subject to compliance with local, state and federal laws. (See the **Faculty Handbook** for guidelines on noncredit generating educational activities.)

(2) The use of college premises and facilities by an individual or groups for purposes other than in connection with Evergreen's regular educational, research, public service or support programs will be permitted, subject to the requirements of WAC 174-136-010 through 174-136-022, if:

(a) The individual or group requesting the space is eligible to use it, and

(b) The space is available and has been reserved for the event or appearance. [Order 74-2, § 174-136-012, filed 5/24/74.]

**WAC 174-136-013 Scheduling and reservation priorities.** No college facilities may be employed for an event or appearance of a speaker, lecturer, performer, or other individual or group from outside the college unless and until facilities required have been reserved. Reservation for the use of college facilities, including buildings, equipment, and land, will be assigned according to the following priorities:

(1) Academic buildings and the college recreation center:

(a) The college's regular instructional, research, public service and support programs.

(b) Major college events.

(c) Student, faculty, and staff related events.

(d) Alumni related events.

(e) Noncollege (outside individual or organization) related events.

(2) College activities building (other than areas designated for specific functions such as food service and the bookstore):

(a) Student related events.

(b) Major college events.

(c) Faculty and staff related events.

(d) Alumni related events.

(e) The college's regular instructional, research, public service and support programs.

(f) Noncollege (outside individuals and organizations) related events.

(3) Residence halls (common areas only):

(a) Residence hall residents related events.

(b) Other student related events.

(c) Faculty and staff related events.

(d) Alumni related events.

(e) The college's regular instructional, research, public service and support programs.

(f) Noncollege (outside individuals and organizations) related events. [Order 74-2, § 174-136-013, filed 5/24/74.]

**WAC 174-136-014 Facilities assignment and scheduling responsibility.** Responsibility for assigning and scheduling college buildings and land lies with the director of facilities, subject to his delegation. [Order 74-2, § 174-136-014, filed 5/24/74.]

**WAC 174-136-015 Procedures for securing permission and reservations.** (1) No permission is necessary for a speaker or performer invited by a faculty member or staff member to participate in the regular instructional, research, public service or support programs of the college if it is not necessary to make special arrangements for facilities and if the appearance will not disrupt the college's normal operations or interfere with rights of others. (If the event is to be open to the public, the procedures outlined in the following paragraphs must be followed.)

(2) Permission to schedule and reserve space for an event or appearance other than as delineated in subsection (1) of this section must be secured by the following procedures:

(a) For events open to the public and events requiring special arrangements complete a tentative production planning form (Exhibit I) and production clearance report (Exhibit II) available at the office of campus activities.

(b) For commercial activities in the college activities building mall area, contact the campus activities office (Rm 305) and complete the application for commercial use of the college activities building (Exhibit III). For commercial activities other than college activities building contact the college controller and complete the forms listed in subsection (2) of this section.

(c) For conferences and conventions for noncollege events, contact the conferences coordinator and complete the conference reservation form (Exhibit IV), available from the college conference office.

(d) For student, faculty, and staff related events not requiring any special arrangements, contact the campus scheduling office located in the office of facilities and complete a scheduling confirmation form (Exhibit V). [Statutory Authority: RCW 28B.40.120(11). 83-05-034 (Order 83-1, Resolution No. 83-1), § 174-136-015, filed 2/10/83; 79-01-020 (Order 78-4, Motion 78-54), § 174-136-015, filed 12/15/78; Order 74-2, § 174-136-015, filed 5/24/74.]

**WAC 174-136-016 Scheduling and procedures.** (1) Preference in scheduling space for free use will be given to the college's regular instructional, research, public service, support or college activity programs.

(2) The director of facilities or his/her designee shall decide whether the proposed use of the space relates to a college function. Sponsors of all other events or appearances will be charged for the use of college facilities in accordance with the schedule of charges established and published by the controller.

(3) College activities that do not have a budgetary unit sponsoring the function must register with the director of recreation and campus activities to be recognized as a college activity.

(4) State agencies, state schools and post secondary institutions in the state of Washington will be permitted to use unscheduled college space free of charge on a single use basis. If the space is to be used for periods longer than two days at a time, these organizations should be charged by the conference coordinator.

(5) Special services (e.g., extra janitorial, security, audio visual equipment, coffee) related to special events or appearances will be charged to the user. [Statutory Authority: RCW 28B.40.120(11). 83-05-034 (Order 83-1, Resolution No. 83-1), § 174-136-016, filed 2/10/83; 79-01-020 (Order 78-4, Motion 78-54), § 174-136-016, filed 12/15/78; Order 74-2, § 174-136-016, filed 5/24/74.]

**WAC 174-136-017 Other requirements.** (1) When deemed advisable by the director of recreation and campus activities, or the business manager or the conference coordinator as the case may be, the sponsor or conductor of an event or appearance may be required to make an advance deposit, post a bond, and/or obtain insurance to protect the college against damage costs or other liability.

(2) Permission to an individual or organization for use of college facilities, when granted, carries the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from the use of college facilities and that he, she, or it agrees to hold harmless and indemnify the college against any loss or damage or claims arising out of such use. [Statutory Authority: RCW 28B.40.120(11), 79-01-020 (Order 78-4, Motion 78-54), § 174-136-017, filed 12/15/78; Order 74-2, § 174-136-017, filed 5/24/74.]

**WAC 174-136-018 Audio and visual recording.** The sponsor of any event or appearance shall be responsible for obtaining written clearances from the speaker or performer if any audio or visual recording of the presentation is to take place; such clearance shall be deposited with and maintained by the college's grants and contracts accountant. The form for this purpose is attached as Exhibit VI. [Statutory Authority: RCW 28B.40.120(11), 83-05-034 (Order 83-1, Resolution No. 83-1), § 174-136-018, filed 2/10/83; 79-01-020 (Order 78-4, Motion 78-54), § 174-136-018, filed 12/15/78; Order 74-2, § 174-136-018, filed 5/24/74.]

**WAC 174-136-019 Activities for commercial purposes.** (1) The term "commercial purposes" means the exchange, sale, or purchase of goods, productions, or property of any kind or personal services or entertainment, and/or solicitation, advertising, or other promotion of such exchange, sale, or purchase, when as a result of such activities, profit accrues to one or more individuals or companies, whether or not such individuals or companies are constituted entirely of members of the Evergreen student body, faculty and/or staff. The term "for profit" shall mean monetary gain as an intent of the activity whether or not the activity is in fact profitable.

(2) Charges for use of facilities for commercial purposes shall be made at the scheduled rates except in the following cases:

(a) Commercial activities to support instructional programs (e.g., bake sales, pottery and ceramic sales).

(b) Commercial activities by recognized campus activities groups.

(c) Commercial activities by the regular campus food service.

(d) Commercial activities by the college bookstore.

(e) Commercial activities by publishers and manufacturers who bring to the attention of faculty, staff and students books, equipment and facilities which aid and abet the instructional, research, public service or operational programs of the college.

(3) Application for the use of campus facilities for commercial purposes is made with the controller. In addition to the satisfaction of any requirements imposed for advanced deposit, bond, and/or insurance, and the indemnification of the college against loss, damage, and/or claims, the application shall include:

(a) Statement of goals and objectives.

(b) Justification statement demonstrating the necessity for the venture on campus and an assessment of needs.

(c) An inventory of legal requirements (including tax obligations) to be met and evidence of the individual's or organization's ability to comply with them.

(d) A pro forma balance sheet and profit and loss statement with supporting detail for revenue and expense. Projections should cover the next two fiscal years. [Statutory Authority: RCW 28B.40.120(11), 83-05-034 (Order 83-1, Resolution No. 83-1), § 174-136-019, filed 2/10/83; 79-01-020 (Order 78-4, Motion 78-54), § 174-136-019, filed 12/15/78; Order 74-2, § 174-136-019, filed 5/24/74.]

**WAC 174-136-02001 Revenues.** All revenues which accrue to the college from charges for use of facilities and for college services shall be paid to The Evergreen State College for deposit by the cashier in the respective fund or account for which the revenues are earned. [Order 74-2, § 174-136-02001, filed 5/24/74.]

**WAC 174-136-021 Conferences and conventions.** The conference coordinator for the college shall offer college facilities and services for conferences and conventions when the campus atmosphere is particularly appropriate or when demands for facilities and services exceed the demands of local private enterprise, but shall never place itself in a position of direct competition with Olympia-Lacey-Tumwater businesses. [Statutory Authority: RCW 28B.40.120(11), 79-01-020 (Order 78-4, Motion 78-54), § 174-136-021, filed 12/15/78; Order 74-2, § 174-136-021, filed 5/24/74.]

**WAC 174-136-022 Penalties for violations of commercial activities regulations.** Persons other than Evergreen students, faculty and staff who violate WAC 174-136-011(3) may be referred to civil authorities for appropriate prosecutions, including violations of the law of criminal trespass; Evergreen students, faculty and staff who violate WAC 174-136-011(3) shall be subject to sanctions under Evergreen governance documents. [Statutory Authority: RCW 28B.40.120(11), 79-01-020 (Order 78-4, Motion 78-54), § 174-136-022, filed 12/15/78; Order 74-2, § 174-136-022, filed 5/24/74.]

**WAC 174-136-040 Habitating in unauthorized places—Prohibition.** In the interest of health and safety and to preserve campus ecosystems, The Evergreen State College expressly prohibits overnight habitation by any person in any place on the campus, including its buildings, except that this prohibition shall not apply to:

(1) The facilities provided for such specific purpose by the college housing operation;

(2) The fire station, and the permanent domiciles located on the college's "organic farm," on the extension of Indian Rock Road, and on the leased property at the Nisqually River delta;

(3) Individuals for whom the prohibition is waived by a vice president or his/her designee for fixed temporal periods and at fixed locations. [Order 76-1, § 174-136-040, filed 2/11/76.]

**WAC 174-136-042 Habitation in unauthorized places--Penalties for violation.** Any person who violates WAC 174-136-040 may be referred to civil authorities for appropriate prosecution, including prosecution for violation of the law of criminal trespass. [Order 76-1, § 174-136-042, filed 2/11/76.]

**THE EVERGREEN STATE COLLEGE LIBRARY  
CIRCULATION POLICY  
(FACILITIES PLANNING AND UTILIZATION  
POLICY)**

**WAC 174-136-060 Access and use of library resources.** (1) Any person has access to the public areas of the library. Library resources may be borrowed by members of the Evergreen community with a valid Evergreen State College identification card, and by members of the local community who have suitable identification (e.g., driver's license). [Order 72-2, § 174-136-060, filed 6/16/72.]

**WAC 174-136-070 Priority.** (1) The first priority for use of library resources is for coordinated and contracted studies and other evaluated learning experiences. [Order 72-2, § 174-136-070, filed 6/16/72.]

**WAC 174-136-080 Loan periods.** (1) General use library resources (print and nonprint). (a) Users set their own due date not to exceed one quarter. Requests for extended loan periods should be cleared through the head of circulation. Renewals should be requested before due date. (b) Users are guaranteed the use of the material for one week, after which it may be recalled to meet the needs of another user. Failure to respond to library recall occasioned by another user's request within 48 hours will require that the library assess a service charge of up to \$5.00 to cover the cost of recovery. Materials not returned within seven days of recall due date will be presumed lost and their replacement value charged to the borrower.

(2) Limited use library resources. (a) Limited use library resources (e.g., video tapes) will only be loaned for specific periods. Because of high demand, materials not returned by the specified due date will be recalled. Failure to respond to library recall within 24 hours will require that the library assess a service charge of up to \$5.00 to cover the cost of recovery. Borrowers who fail to return the materials within 48 hours of recall will also be billed the replacement cost of the material. (b) Portable media loan equipment. (i) Loan equipment may be reserved if its use is related directly to coordinated or contracted studies or other evaluated learning experiences. By advance reservation, some items required can

be loaned for an extended period of time. Loan equipment for other uses will be on an "as available" basis. In all instances, the user will be asked to specify a return date so other requests and reservations can be honored. (ii) Charges will be made to users outside The Evergreen College community and to funded workshops, seminars, conferences or self-sustaining programs. Charges will be consistent with current commercial rates. (iii) As use patterns develop, it may become necessary to limit the loan period for a piece of equipment. Such limited loan periods will be established by the equipment dispatcher and the associate dean of library services as required. (c) Slides are checked out for showings only. Slides requested for continuing use should be duplicated. (d) 16mm films will be checked out for showings only and may be held a maximum of three days. (e) Other library resources, such as the following, will circulate by special arrangement with the head of circulation or appropriate budget unit head and are subject to recall and replacement charges. (i) Archives, (ii) current and microfilmed periodicals, (iii) electronic test equipment, (iv) maps, (v) media production equipment, (vi) nonprint master materials, (vii) rare materials, (viii) reference materials, (ix) set and model shop tools and (x) special collections.

(3) Borrowers who repeatedly ignore the rights of other borrowers, and who abuse the responsibilities inherent in sharing library resources with the rest of the Evergreen community, shall be denied the privilege of borrowing those resources for the remainder of the quarter. [Order 72-2, § 174-136-080, filed 6/16/72.]

**WAC 174-136-090 Lost and damaged library resources.** (1) The borrower is responsible for loss.

(2) The borrower is responsible for damage.

(3) The borrower is responsible for the proper operation of media loan equipment.

(4) If the borrower does not wish to assume the full financial responsibility for library resources, the college will offer optional damage insurance. For details, consult the main circulation desk or the media distribution center.

(5) Lost resources should be reported. It is the borrower's responsibility to pay for lost resources before the end of the quarter. The cost of lost resources shall be their replacement value. [Order 72-2, § 174-136-090, filed 6/16/72.]

**WAC 174-136-100 Reserve.** (1) Materials on reserve will be found at the circulation desk. Reserve loan periods are established by the type of material and by the number of users who will need it. [Order 72-2, § 174-136-100, filed 6/16/72.]

**WAC 174-136-110 Charging out library resources.** (1) Resources are charged out at the main circulation desk, at the media distribution center, and at other appropriate locations in the library. [Order 72-2, § 174-136-110, filed 6/16/72.]

**WAC 174-136-120 Interlibrary loan.** (1) The library will attempt to obtain resources from wherever

available. Interlibrary loan services are maintained by the reference services. [Order 72-2, § 174-136-120, filed 6/16/72.]

**WAC 174-136-130 Circulation records.** In order to prevent an unreasonable invasion of personal privacy (including but not limited to RCW 42.17.260 and 42.17.310) all records relating to the registration of patrons and their requests for use and subsequent circulation of materials by The Evergreen State College library are hereby deemed confidential, regardless of the source of inquiry or request for information. [Statutory Authority: RCW 28B.40.120(11). 81-12-019 (Order 81-1, Motion No. 81-14), § 174-136-130, filed 6/1/81.]

**WAC 174-136-140 Selection of resources and services.** It is the policy of The Evergreen State College to select for its library the best and most suitable library materials, library equipment and library services. The college expressly rejects any form of selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin or political view point. [Statutory Authority: RCW 28B.40.120(11). 81-12-019 (Order 81-1, Motion No. 81-14), § 174-136-140, filed 6/1/81.]

### SMOKING REGULATIONS

**WAC 174-136-160 When smoking is permitted.** Smoking is permitted in. (1) Offices (at discretion of assigned occupants).

- (2) Lounges.
- (3) Public lavatories.
- (4) Designated corridors.
- (5) Classrooms at the option of the occupants. (Housekeeping is the responsibility of the smoker.)

Plant operations will furnish and service ash trays in smoking areas, except offices and classrooms. Assigned occupants of offices will furnish and service ash trays therein, when they allow smoking. [Order 72-8, § 174-136-160, filed 10/27/72.]

**WAC 174-136-170 When smoking is not permitted.** Smoking is not permitted in. (1) Carpeted areas unless specifically designated otherwise.

- (2) Laboratories and library reading rooms.
- (3) Auditoriums.
- (4) Storerooms.
- (5) Meeting rooms (at the option of the group).
- (6) Barns and sheds.
- (7) Other fire-hazard areas as indicated by the safety section.

The obligation of compliance with smoking regulations is the responsibility of the individual in charge, enforced by campus security. Where special privileges are desired, they are to be cleared by the responsible individual with plant operations prior to the event. [Order 72-8, § 174-136-170, filed 10/27/72.]

### ON-CAMPUS EMPLOYER INTERVIEWS AND RECRUITING

**WAC 174-136-210 Policy.** The college policy of open recruiting on campus provides that each employer seeking to recruit on campus attest to his compliance with federal and state laws against discrimination and with the principles of the college placement council by means of an affidavit to be submitted with his request to recruit on campus. [Order 72-9, § 174-136-210, filed 10/27/72.]

**WAC 174-136-220 Hearing board.** A hearing board exists to hear cases in which employers have been accused of failure to comply with these laws and principles. The board is selected at the beginning of each year. It is comprised of the directors of cooperative education, financial aid and placement, and counseling services, and three students from the community services list. An accusation of failure to comply may be made by any member of the evergreen community. If the board determines that there may be grounds for such accusation, a hearing will be called during which the employer would be given the opportunity to present his side of the case. If, as a result of the hearing, the employer is found to be in violation of his agreement, the board may suspend his right to recruit on campus and set the period of that suspension. [Order 72-9, § 174-136-220, filed 10/27/72.]

**WAC 174-136-230 Discrimination.** The college will not discriminate among recruiting agencies. [Order 72-9, § 174-136-230, filed 10/27/72.]

**WAC 174-136-240 Protests.** Legitimate protests against recruiting agencies are protected; in this regard, however, the attention of the college community is drawn to the statements in the social contract which are germane to on-campus recruiting, particularly the sections on "the conditions of learning" and "institutional rights and obligations". (WAC 174-124-040 and 174-124-050). [Order 72-9, § 174-136-240, filed 10/27/72.]

**WAC 174-136-250 Requests from employers.** The office of financial aid and placement and the office of cooperative education will receive requests from employers for on-campus recruiting and these two offices will coordinate scheduling and other recruiting details. [Order 72-9, § 174-136-250, filed 10/27/72.]

### Chapter 174-140 WAC

#### STATE ENVIRONMENTAL POLICY ACT RULES

WAC	
174-140-180	Introduction.
174-140-190	Consultation with environmental advisory committee.
174-140-200	State Environmental Policy Act compliance.
174-140-210	State Environmental Policy Act "responsible official."
174-140-220	Information center and register distribution.
174-140-230	Publication of notice of action.
174-140-240	Emergency procedures.

**WAC 174-140-180 Introduction.** When the office of facilities or another unit on campus begins to consider taking an action which might affect the environment (e.g., revising the master plan, constructing a new building or recreation facility, adding to an existing facility, landscaping, utilities modification or installation, or adopting or revising grounds maintenance policies), the college shall follow the steps outlined in WAC 174-140-180 through 174-140-240. [Order 76-6, § 174-140-180, filed 12/20/76.]

**WAC 174-140-190 Consultation with environmental advisory committee.** When the proposal's scope has been defined but otherwise early in the planning stages and before any commitments are made, the "responsible official," as provided for in WAC 174-140-210, shall have those persons planning the project describe it to the environmental advisory committee provided for in EAC 174-164-060. That committee will review the proposal, may suggest changes or alternatives, and shall advise the responsible official on the steps required by chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-10 WAC, SEPA guidelines. The committee shall also be consulted during the preparation of any documents required by the above regulations, e.g., draft and final environmental impact statements (EIS), environmental checklist, and declaration of significance/nonsignificance. [Order 76-6, § 174-140-190, filed 12/20/76.]

**WAC 174-140-200 State Environmental Policy Act compliance.** It is the policy of The Evergreen State College that capital projects proposed to be developed by the college and other similar type activities shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. [Order 76-3, § 174-140-200, filed 7/22/76.]

**WAC 174-140-210 State Environmental Policy Act "responsible official."** In compliance with chapter 197-10 WAC, the president of The Evergreen State College or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy. [Order 76-3, § 174-140-210, filed 7/22/76.]

**WAC 174-140-220 Information center and register distribution.** The SEPA public information center required by chapter 197-10 WAC, shall be maintained in the office of facilities of The Evergreen State College. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-830(4) to the sounding board, the information center, the *Cooper Point Journal*, the office of college relations, members of the environmental advisory committee, and all other individuals and organizations that request them. [Order 76-6, § 174-140-220, filed 12/20/76.]

**WAC 174-140-230 Publication of notice of action.** Any action, as defined in WAC 197-10-040, undertaken by The Evergreen State College, shall be publicized as prescribed in RCW 43.21C.080. Notices published under this provision shall also be published in the *Cooper Point Journal*. [Order 76-6, § 174-140-230, filed 12/20/76.]

**WAC 174-140-240 Emergency procedures.** If an emergency action is to be undertaken as described in WAC 197-10-180, the person responsible for the action shall, if at all possible, consult with the chairman of the environmental advisory committee in advance when calling a meeting of the full committee does not appear to be practicable. The chairman may recommend proceeding with the action, recommend alternatives, or recommend delay, pending a meeting of the full committee. [Order 76-6, § 174-140-240, filed 12/20/76.]

### Chapter 174-148 WAC EQUAL OPPORTUNITY POLICY AND PROCEDURES—AFFIRMATIVE ACTION PROGRAM

WAC	
174-148-010	General.
174-148-015	Policy and program dissemination.
174-148-030	Additional communication of policy and program.
174-148-040	Responsibility for implementation.
174-148-050	Monitoring and auditing.
174-148-060	Practices problem areas identification.
174-148-070	Utilization analysis.
174-148-080	Goals and timetables.
174-148-085	Pregnancy and maternity leave.
174-148-090	Grievance procedure.
174-148-100	Incorporation by reference.
174-148-110	Legal basis.
174-148-120	Definitions.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

174-148-020	Legal basis. [Order 72-10, § 174-148-020, filed 10/27/72.] Repealed by Order 75-3, filed 8/12/75. See WAC 174-148-110, Order 74-1, filed 5/17/74.
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**Reviser's note:** Chapter 174-12 WAC [Order 174-12, filed 11/5/72] and chapter 174-148 WAC [Order 72-10, filed 10/27/72] are both entitled "Equal opportunity policy and procedures—Affirmative action program" and are set forth herein as filed.

**WAC 174-148-010 General.** The equal opportunity policy of The Evergreen State College requires that its faculty, administration, staff, students, and persons who develop programs at the college; and all contractors, individuals and organizations who do business with the college; comply with the letter and spirit of all federal, state, and local equal employment opportunity statutes and regulations.

The college expressly prohibits discrimination against any person on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification. This policy requires recruiting, hiring, training, and promoting persons in all job categories without regard to race, sex, age, religion,



national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification. All decisions on employment and promotion must utilize only valid job-related requirements.

The college requires: That all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, college sponsored training, education, tuition assistance, social and recreation programs; and that all student recruiting and admissions, student services (such as financial aid, placement, counseling, housing, student activities, physical recreation), and facilities usage, be administered without discrimination based on race, sex, age, religion, national origin, marital status (except for assignment in college housing facilities consistent with chapter 145, Laws of 1975 1st ex. sess.) or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification.

The Evergreen State College is committed to an affirmative action program - a goal-oriented program through which it makes specific additional efforts to recruit, hire, train, and promote nonwhites and women; and to recruit, admit, and educate nonwhite and women students. The affirmative action program is designed to overcome and prevent the effects of systemic institutional discrimination and benign neutrality in employment and educational practices. The college will take affirmative action to solicit bids on goods and services contracts from nonwhite and women vendors and contractors.

The college's affirmative action office has responsibility for preparing the college's affirmative action program, including procedures for reporting and monitoring.

Each employee's support and implementation of this policy will be evaluated during employee performance evaluations. [Order 75-6, § 174-148-010, filed 11/5/75; Order 75-3, § 174-148-010, filed 8/12/75; Order 74-1, § 174-148-010, filed 5/17/74; Order 72-10, § 174-148-010, filed 10/27/72.]

**WAC 174-148-015 Policy and program dissemination.** (1) The purpose of this section is to ensure that anyone who needs or wants to know about the college's equal opportunity policy and/or affirmative action program receives appropriate information.

(2) Appropriate college offices will deliver a copy of WAC 174-148-010 to each person connected with the college in one or more of the following categories:

- (a) Employee.
- (b) Student.
- (c) Contractor or vendor from whom the college purchases goods and services.
- (d) Recruiting sources.
- (e) Agency, organization or business establishments with which the college has internship agreements or relationships.
- (f) Applicant for employment at or student admission to The Evergreen State College.

(g) Off campus persons or groups who schedule the use of college facilities for conventions, seminars, conferences or other group activities.

(3) Appropriate college offices will ensure publication of the equal opportunity policy and affirmative action program in the "Evergreen Administrative Code," the catalog, the "Faculty Handbook," and, at least once annually, the "Newsletter."

(4) Appropriate college offices will request at least annual publication of the equal opportunity policy and affirmative action program in the "Cooper Point Journal" and at least annual airing of the policy and program on radio station KAOS.

(5) College admissions recruiters will inform potential applicants about the policy and plan when visiting high schools and community colleges.

(6) Each college committee or task force which deals with issues affecting personnel actions or student welfare will review the policy and plan as they relate to performance of its charge.

(7) Appropriate college offices will inform students, faculty and staff members regarding the policy and program at every orientation session.

(8) Federal equal opportunity posters and copies of WAC 174-148-010 will be displayed continuously on all major campus bulletin boards.

(9) Appropriate college offices will deliver a copy of WAC 174-148-010 through 174-148-120 to each of the following at the time of adoption and upon his/her/its appointment, creation, or request:

- (a) Members of the board of trustees.
- (b) Budgetary unit heads.
- (c) Campus organizations.
- (d) Employee organizations.
- (e) Other persons. [Order 75-3, § 174-148-015, filed 8/12/75.]

**WAC 174-148-030 Additional communication of policy and program.** (1) The purpose of this section is to ensure the inclusion of appropriate statements regarding the college's equal opportunity policy and affirmative action program in collective bargaining agreements, orders, leases, contracts, and goal statements.

(2) In addition to the provisions for dissemination contained in WAC 174-148-020:

(a) College management representatives to employee organization contract negotiation will insure that any collective bargaining agreement covering members of the college faculty and/or staff provide for equal employment opportunity and include nondiscriminatory clauses.

(b) The college will incorporate the equal opportunity clause contained in Executive Order 11246 (subpart B, contractor agreement, section 202), in whole or by reference, in all purchase orders, leases, contracts, and other agreements for the securing of goods and services issued by the college.

(c) The college administration will incorporate appropriate equal opportunity provisions in all its goal statements. [Order 74-1, § 174-148-030, filed 5/17/74; Order 72-10, § 174-148-030, filed 10/27/72.]

**WAC 174-148-040 Responsibility for implementation.** (1) The purpose of this section is to assign responsibilities for carrying out certain activities under the college's equal opportunity policy and affirmative action plan to respective employees of the college.

(2) The president of The Evergreen State College is responsible for the implementation of the equal opportunity policy and affirmative action program, and reporting achievements thereunder to the board of trustees. The president delegates specific authority and responsibility as follows:

(a) The affirmative action officer is responsible to the president for interpretation of, over view of, monitoring, insuring compliance with, and developing the policy and programs. He/she shall design and implement audit and reporting systems to measure effectiveness of the policy and program and degree of goal achievement; prepare and submit reports to appropriate state and federal agencies; annually analyze affirmative action efforts and make recommendations to the president; keep the president and others informed regarding latest affirmative action developments; work with unit heads and their staffs to identify affirmative action problems and problem areas, and to develop solutions; serve, regarding matters of equal opportunity and affirmative action, as primary liaison between the college and nonwhite and women's groups, and others concerned with affirmative action; receive discrimination complaints; investigate complaints and participate in discrimination complaint and grievance resolution; establish and periodically audit training programs for upward mobility of nonwhites and women; serve as a campus resource specialist on affirmative action and equal opportunity; conduct forums, discussions, and other educational activities to increase college awareness of the intent and purpose of affirmative action; and insure that all contractors with the college are equal opportunity employers.

(b) Each vice president, dean and director is responsible for filling job vacancies only from respective nondiscriminatory applicant pools; working with the affirmative action officer continually to identify affirmative action problems in his/her respective unit and develop solutions for them; implementing affirmative action to achieve each goal for which he/she is responsible as outlined in the policy and plan; periodically (at least annually) reviewing the affirmative action program with his/her staff to assure their understanding of its intent and their role in its implementation; insuring that all services and opportunities provided by his/her unit are provided without discrimination based on race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification; evaluating the equal opportunity and affirmative action effort and participation of each person he/she supervises during the performance evaluations; and insuring that all existing and new policies and procedures conform to equal opportunity principles.

(i) In filling job vacancies by any means including promotion, the process to be used for recruiting and screening must be approved in writing by the affirmative

action officer before said process can be initiated. This approval does not apply to positions covered by higher education personnel board regulations.

(ii) In the process for recruiting and screening exempt administrators, the appointing officer will confer with the affirmative action officer, and the affirmative action officer will assist the appointing officer by identifying possible sources of applicants towards maximizing the obtaining of an applicant pool proportionate to the pool of available women and nonwhites within the market force by job category (e.g., if the job search is restricted to particular boundaries, the pool of available women and nonwhites in the market work force by job category within that boundary would be the referent). The affirmative action officer shall review the applicant pool; if the pool is determined to be discriminatory, the affirmative action officer may require additional recruiting efforts, including extending the position's advertising for a period not exceeding 60 days.

(iii) Prior to proceeding to the final selection from the candidate pool, the appointing official will certify that the criteria used for selection of those in the final candidate pool are those described in the recruitment and selection plan as approved by the affirmative action officer. The affirmative action office may at this point advise, in writing, the appointing official of any concerns he/she may have with the final candidate pool.

(iv) If the appointing official establishes a group (e.g., DTF, consultative pool, etc.) to assist in recruiting and screening, he/she will take responsibility for insuring representation by women and nonwhites employed or enrolled in the college.

(c) In addition to the responsibilities of vice presidents, deans and directors set out in WAC 174-148-040(2)(b), the following specific duties under the policy and plan are assigned:

(i) The director of college relations shall insure, that all official college publications and audio-visual presentations he/she produces which contain a number of photographs of college people, include pictures of nonwhites and women. The director of college relations also will work in cooperation with other budgetary units to insure that all official college publications and audio-visual presentations they produce, which contain a number of photographs of college people, include pictures of nonwhites and women.

(ii) The dean of library services, in cooperation with appropriate persons, groups, and budgetary units, shall use library resources including the collection, facilities, exhibits, etc., to help create a positive campus-wide, multi-ethnic awareness and an awareness regarding the roles of women in society.

(iii) The director of cooperative education shall insure that persons, organizations, or businesses with whom the college establishes internship agreements, do not discriminate against students on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap unless based upon a bona fide occupational qualification.

(iv) The academic deans shall insure that curriculum planning, teaching assignment and resource allocation

conform to equal opportunity and affirmative action principles. In order to respond to the enrollment goal of 25% nonwhite students, the college must: Offer work in all of its modes that will help nonwhite students develop academic skills; offer regular work in contracts and co-ordinated studies that will be first rate studies of non-white cultures; recognize its obligation to the nonwhite communities it serves by providing leadership and resources in continuing action programs that directly address the expressed needs of those communities.

(v) Academic deans and the faculty shall insure that students are not discriminated against in academic matters and evaluation on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap.

(vi) The director of admissions shall deploy human and other resources at his/her disposal to insure the taking of affirmative action to recruit and admit nonwhites and women to meet student enrollment goals.

(vii) The business manager, the director of facilities, and other unit heads involved, shall implement affirmative action when soliciting bids on all contracts for facilities, goods, and services by active solicitation of, and encouragement of bids by, nonwhite and women vendors and contractors.

(viii) The business manager, the director of facilities and other unit heads involved, shall insure that each contractor doing business with the college is an equal opportunity employer and may require the submission of substantiating evidence (e.g., written policy and personnel profiles), satisfactory to the college's affirmative action officer, with contract bids, excepting contracts awarded by division of engineering and architecture (DEA).

(ix) The director of computer services, in cooperation with appropriate unit heads, shall work towards computerizing, where practical, the processing of all data needed to monitor effectively the college's affirmative action efforts. [Order 75-6, § 174-148-040, filed 11/5/75; Order 74-1, § 174-148-040, filed 5/17/74; Order 72-10, § 174-148-040, filed 10/27/72.]

**WAC 174-148-050 Monitoring and auditing. (1)**

The purpose of this section is to provide for the affirmative action officer's monitoring and auditing the following in order to assess results, determine deficiencies, and recommend appropriate actions: Staff and faculty recruitment, selection, and other personnel actions; student recruitment, admissions, and services; progress toward established numerical goals; progress toward correcting practices; efforts to attract nonwhite and women vendors and contractors; compliance of contractors and vendors; and complaints of discrimination.

(2) The affirmative action officer, in his/her monitoring of the implementation and progress of the equal opportunity policy and affirmative action program, will review and analyze information in reports from vice presidents, deans, and directors, unit heads, students, and other campus groups as required in this section WAC 174-148-050 or as otherwise submitted to him/her. The affirmative action officer will determine if

adequate results are being achieved to reach affirmative action goals, identify areas needing additional effort and improvement, and recommend in writing courses of action to the appropriate person to implement required improvements.

Monitoring reports will be submitted to the affirmative action officer at the times specified by this section by the following persons:

(a) Director of personnel: Quarterly reports regarding applications received, number of persons tested, number of persons certified for vacancies, number of persons hired, number of persons promoted, number of persons transferred, number of persons terminated, starting salaries of new employees and employee turnover rates, all by race and sex.

(b) Director of admissions: Quarterly reports regarding the flow of applications from prospective students, the current status of those applications, and the number of students admitted, all by race and sex.

(c) Director of career planning and placement: Annual reports regarding placement of Evergreen graduates by race, sex and type of position secured.

(d) Director of financial aid: Quarterly reports regarding financial aid awards by race, sex and dollar amounts.

(e) Director of facilities: The director will submit a quarterly report stating which public works contracts under \$2500 were opened for bid by that office and show for each bid opening, the names of contractors or contractor organizations from which bids were solicited. All other contracts are opened for bid by the department of general administration, division of engineering and architecture (DEA). The college is not its own contracting agency. DEA is the contracting agency for all public works contracts and monitors the affirmative action compliance of all public works contractors at the college.

(f) Director of housing: Quarterly reports showing the number of students by race and sex, in on-campus housing and any other housing contracted by the college.

(g) Director of recreation and campus activities: Quarterly reports showing the number of students by race and sex, registering to participate in college sponsored recreational activities.

(h) Each personnel appointing authority and/or the director of personnel, upon completion of the recruitment and screening process in filling a job vacancy will submit to the affirmative action officer a statistical summary of the process. The affirmative action office will develop a form to be used for this purpose.

(i) Each vice president: Quarterly reports reflecting his/her progress in achieving the affirmative action goals for which responsible.

(j) Director of college relations: Prior to publication a copy of each official college publication and each audio-visual presentation for which he/she is responsible for producing and which are primarily intended for representation of the college to off-campus public. This requirement shall also pertain to any other persons producing official college publications and/or audio-visual presentations primarily intended for representing the college to off-campus public.

(k) Director of cooperative education: Quarterly reports showing number of students, student placement, type of internships, and field experience education by race and sex. [Order 75-6, § 174-148-050, filed 11/5/75; Order 74-1, § 174-148-050, filed 5/17/74; Order 72-10, § 174-148-050, filed 10/27/72.]

**WAC 174-148-060 Practices problem areas identification.** (1) The purpose of this section is to provide for the identification of practices which do or can serve as barriers to equal opportunity and affirmative action.

(2) In addition to any other duties prescribed in the equal opportunity policy and affirmative action program for the affirmative action officer, he/she shall periodically (at least annually) identify and prepare a report on current or potential practices problems areas which do or can serve as barriers to equal opportunity and affirmative action. The most current of such reports shall be printed for dissemination within the college as provided in WAC 174-148-020(9) and to appropriate state and federal agencies as Appendix I to this policy and plan. [Order 74-1, § 174-148-060, filed 5/17/74; Order 72-10, § 174-148-060, filed 10/27/72.]

**WAC 174-148-070 Utilization analysis.** (1) The purpose of this section is to provide for the identification of affirmative action deficiencies in the college's student enrollment and staffing patterns.

(2) In addition to any other duties prescribed in the equal opportunity policy and affirmative action program for the affirmative action officer, he/she shall periodically (at least annually) develop and publish an analysis of personnel utilization which shall include:

(a) A report on: Nonwhite population in the labor area surrounding the college, percent of unemployment among such nonwhite labor force, percent of nonwhite work force to total work force in the immediate labor area, general availability of nonwhites having requisite skills in immediate labor area, by category listed in WAC 174-148-070(2), general availability of nonwhites with requisite skills in reasonable recruitment areas, availability of promotable or transferable nonwhites within college's work force, existence of training institutions capable of providing requisite skills to nonwhites, degree of training which the college is capable of providing to nonwhites, percent of women unemployed in surrounding labor area, ratio of women in work force to total work force in immediate labor area, general availability of women with requisite skills in immediate labor area by category listed in WAC 174-148-070(2), general availability of women with requisite skills in reasonable recruitment area, availability of women seeking employment in the labor or recruitment area, availability of promotable and transferable women within the college's work force, existence of training institutions capable of providing requisite skills to women, and degree of training which the college is capable of providing to women.

(b) An analysis of under-utilization of nonwhite and women in the college's work force by race and sex, by

organizational unit, and by race and sex by those job categories listed in WAC 174-148-070(2).

For measuring personnel utilization, personnel of the college shall be categorized as: Faculty, academic deans, officials and managers, professionals, technicians, office and clerical workers, crafts, operatives, and service workers.

(3) The most current of the utilization analyses required in WAC 174-148-070(2) shall be printed for dissemination within the college as provided in WAC 174-148-020(9) and to appropriate state and federal agencies as Appendix II to this policy and plan. [Order 74-1, § 174-148-070, filed 5/17/74.]

**WAC 174-148-080 Goals and timetables.** (1) The purpose of this section is to establish goals and timetables to ensure that the college operates toward attaining and/or maintaining an appropriate representation of nonwhite and women students, and, by job category and organizational unit, appropriate representation of nonwhite and women faculty and staff members, in order to develop a richly mixed, multi-ethnic student body, faculty, and staff.

(2) The college commits itself to the following student enrollment target dates and goals:

(a) For nonwhite students, as a percent of the total student population: By October 1974, 11 percent; by October 1975, 13 percent; by October 1976, 15 percent; by October 1977, 17 percent; by October 1978, 19 percent; by October 1979, 20 percent; by October 1980, 21 percent; by October 1981, 22 percent; by October 1982, 23 percent; by October 1983, 24 percent; by October 1984, 25 percent.

(b) For women students, 50 percent of the total student population by October 1974.

(3) Numerical goals for faculty and academic deans employment. The absence of nation-wide availability data on faculty and persons working in the various academic disciplines makes it impossible, at this point, for the college to do an adequate utilization analysis of its faculty. After two years or when specific nation-wide data is available, whichever is sooner, the college will review its goals, its ability to achieve them, and modify them at that time. The faculty goals, though not based on specific availability data, represent the direction in which the college wishes to move and believes to be attainable within the next ten years. These goals reflect an assumption that the faculty will increase in size to approximately 235 persons during the next ten years. Any change in this anticipated growth rate will affect the ability of the college to achieve its faculty employment goals.

The college commits itself to the following faculty and academic deans employment goals (all numerical goals are listed as a percent of the total for each category):

(a) For nonwhite faculty members, from 15.8 percent to: By October 1974, 17 percent; by October 1975, 18 percent; by October 1976, 19 percent; by October 1977, 20 percent; by October 1978, 21 percent; by October 1979, 22 percent; by October 1980, 23 percent; by October 1981, 24 percent; by October 1982, 25 percent.

(b) For women faculty members, from 25.4 percent to: By October 1974, 27 percent; by October 1975, 30 percent; by October 1976, 33 percent; by October 1977, 36 percent; by October 1978, 38 percent; by October 1979, 40 percent; by October 1980, 42 percent; by October 1981, 44 percent; by October 1982, 46 percent; by October 1983, 48 percent; by October 1984, 50 percent.

(4) Numerical goals for staff employment. Six other areas of college-wide under-utilization of nonwhites and women were identified by the utilization analysis. The college must move immediately to eliminate this under-utilization by hiring nonwhites and women to fill future openings. The college requires the directors and managers who appoint persons in the job categories of under-utilization to actively recruit and appoint nonwhites and women. The college commits itself to eliminate this under-utilization during the time periods indicated.

(5) In addition to eliminating areas of under-utilization, the college is committed to developing a richly mixed, multi-ethnic staff to complement the faculty and student body.

The college commits itself to the following staff target goals, by job category:

(a) Officials and managers:

(i) For nonwhites, from 14.3 percent to: By October 1974, 15 percent.

(ii) For women, from 17.1 percent to: By October 1974, 18 percent; by October 1975, 20 percent; by October 1976, 22 percent; by October 1977, 24 percent; by October 1978, 27 percent; by October 1979, 30 percent; by October 1980, 33 percent; by October 1981, 36 percent; by October 1982, 39 percent; by October 1983, 42 percent; by October 1984, 45 percent.

(b) Professionals:

(i) For nonwhites, from 8.3 percent to: By October 1974, 9 percent; by October 1975, 10 percent; by October 1976, 11 percent; by October 1977, 12 percent; by October 1978, 13 percent; by October 1979, 14 percent; by October 1980, 15 percent.

(ii) For women, from 36.1 percent to: By October 1974, 37 percent; by October 1975, 38 percent; by October 1976, 39 percent; by October 1977, 40 percent; by October 1978, 41 percent; by October 1979, 42 percent; by October 1980, 43 percent; by October 1981, 44 percent; by October 1982, 45 percent.

(c) Technicians:

(i) For nonwhites, from 6.7 percent to: By October 1974, 7 percent; by October 1975, 8 percent; by October 1976, 9 percent; by October 1977, 10 percent; by October 1978, 11 percent; by October 1979, 12 percent; by October 1980, 13 percent; by October 1981, 14 percent; by October 1982, 15 percent.

(ii) For women, from 13.3 percent to: By October 1974, 14 percent; by October 1975, 17 percent; by October 1976, 20 percent; by October 1977, 23 percent; by October 1978, 26 percent; by October 1979, 29 percent; by October 1980, 32 percent; by October 1981, 35 percent; by October 1982, 38 percent; by October 1983, 41 percent; by October 1984, 45 percent.

(d) Office and clerical workers:

(i) For nonwhites, from 10.8 percent to: By October 1974, 11 percent; by October 1975, 12 percent; by October 1976, 13 percent; by October 1977, 14 percent; by October 1978, 15 percent.

(ii) For women, the goal (45 percent) has been attained as of this date. As turnover occurs a goal of 45 percent shall be maintained.

(e) Crafts:

(i) For nonwhites, from "0" percent to: By October 1974, 2 percent; by October 1975, 4 percent; by October 1976, 6 percent; by October 1977, 8 percent; by October 1978, 9 percent; by October 1979, 10 percent; by October 1980, 11 percent; by October 1981, 12 percent; by October 1982, 13 percent; by October 1983, 14 percent; by October 1984, 15 percent.

(ii) For women, from "0" percent to: By October 1974, 5 percent; by October 1975, 7 percent; by October 1976, 9 percent; by October 1977, 11 percent; by October 1978, 13 percent; by October 1979, 15 percent; by October 1980, 17 percent; by October 1981, 19 percent; by October 1982, 21 percent; by October 1983, 23 percent; by October 1984, 25 percent.

(f) Operatives:

(i) For nonwhites, from 7.7 percent to: By October 1974, 8 percent; by October 1975, 9 percent; by October 1976, 10 percent; by October 1977, 11 percent; by October 1978, 12 percent; by October 1979, 13 percent; by October 1980, 14 percent; by October 1981, 15 percent.

(ii) For women, from "0" percent to: By October 1974, 4 percent; by October 1975, 8 percent; by October 1976, 12 percent; by October 1977, 16 percent; by October 1978, 20 percent; by October 1979, 24 percent; by October 1980, 28 percent; by October 1981, 32 percent; by October 1982, 36 percent; by October 1983, 40 percent; by October 1984, 45 percent.

(g) Service workers:

(i) For nonwhites. The goal (by October 1974 - 15 percent) has been attained as of this date. As turnover occurs a goal of 15 percent shall be maintained.

(ii) For women, from 39.3 percent to: By October 1974, 40 percent; by October 1975, 41 percent; by October 1976, 42 percent; by October 1977, 43 percent; by October 1978, 44 percent; by October 1979, 45 percent.

(6) In addition to the staffing pattern goals by job category established in WAC 174-148-080(4), the college sets as a goal the achieving of staffing patterns which provide for at least 15 percent nonwhites and 45 percent women in each organizational unit by October 1984.

(7) Although not in a position to set goals because of the nonavailability of data, the college commits itself to a strong effort to incorporate more physically and mentally handicapped people into its work force.

(8) The goals established in subsections (3), (4), and (5) of WAC 174-148-080 represent minimums against which affirmative action efforts will be directed. The college commits itself to make all good faith efforts to achieve these goals.

The goals reflect assumptions of steady student body growth rate, normal attrition and retention, and regular

availability of nonwhites and women who have the necessary qualifications for positions in a college with a wide range of disciplines and high standards for excellence in its faculty and staff. [Order 74-1, § 174-148-080, filed 5/17/74.]

**WAC 174-148-085 Pregnancy and maternity leave.**

(1) General policy. Childbearing is an expectable incident in the life of a woman. Practices such as terminating the employment of pregnant women without cause, refusing to grant leave or accrued sick pay for disabilities relating to pregnancy, or refusing to hire women for responsible jobs because they are, or may become, pregnant, impair the opportunity of women to obtain employment and to advance on the same basis as men. Such practices discriminate against women because of their sex and are prohibited at The Evergreen State College.

(2) Purposes. Federal and state law against discrimination in employment because of sex are intended to equalize employment opportunity for men and women. This policy defines how the law applies to practices which disadvantage women because of pregnancy or childbirth.

(3) Hiring pregnant women. Appointing authorities will not refuse to hire a woman because she is pregnant unless the pregnant condition of the individual woman currently prevents her from performing the job. The burden shall be on the employer to show that his decision not to hire a woman because of pregnancy was based on adequate facts concerning her individual ability to currently perform the job. It is an unfair practice to refuse to hire a woman applicant because she will be entitled to maternity leave, or because she may become entitled to maternity leave.

Arguments that may not be used to disqualify pregnant women or those who may become pregnant from employment include, but are not limited to:

(a) Pregnant women may not return to their former jobs after childbirth;

(b) Time away from work required for childbirth may increase the college's cost;

(c) The leave period for childbirth may be unreasonably long;

(d) Pregnant women may be frequently absent from work due to illness; and

(e) Clients, co-workers, or customers may object to having pregnant women on the job.

(4) Condition of employment for pregnant women. Appointing authorities may not penalize women in terms or conditions of employment, or in any way limit the job opportunities of a woman because she is pregnant or may require time away from work.

(5) Leave for pregnancy. Appointing authorities must provide pregnant women leaves of absence for sickness or incapacity associated with pregnancy and for childbirth. Persons in positions covered by the higher education personnel board shall be subject to those rules relating to pregnancy and maternity leave (WAC 251-22-155).

Leaves of absence for pregnant women may include both paid and unpaid leave. Leaves of absence for maternity will commence upon the request of the employee and extend until the employee is physically able to return to work. In all instances in which an employee requests maternity leave, or asks that it be extended, the appointing authority may require the employee to provide a statement from a second physician of college's choice attesting to the need for, and duration of the leave. The college will bear the cost of such examination by a college-designated physician.

An employee is eligible to use earned sick leave credits during maternity leave. In those instances in which an employee's sick leave credits are exhausted prior to her return to work, the employee's status will automatically convert from sick leave to leave of absence without pay. Use of any accrued annual vacation leave shall be at the employee's discretion and is optional.

Employees returning from an authorized maternity leave of absence must be offered employment in the same position or in another position in the same class, in the same geographic area and organizational unit, with at least the same pay if the leave of absence was for the actual period of disability relating to pregnancy or childbirth.

(6) Leave benefits for pregnant women. Illness or absence from work caused or contributed to by pregnancy, miscarriage, spontaneous, therapeutic or voluntary abortion, childbirth, and recovery therefrom are temporary disabilities and are treated as such under the college sick leave policies.

(7) Paternity/child care leave for fathers. Paternity leave for fathers for purposes relating to necessary care of the child or children or mother either before or due to pregnancy and childbirth should be considered grounds for leave and should be available to men on an equal basis.

(8) Marital status as related to pregnancy. Discrimination against pregnant women because of marital status is prohibited. Discrimination against men because of marital status in regard to paternity is prohibited. The college's pregnancy and maternity leave policy applies equally to married and unmarried pregnant women. [Order 76-2, § 174-148-085, filed 3/2/76.]

**WAC 174-148-090 Grievance procedure.** (1) The purpose of this complaint procedure is to give any person or persons who have reason to believe they have been discriminated against on the basis of race, sex, age, religion, national origin, or physical disability, a right to obtain an impartial, objective review of the complaint by persons detached from the events or circumstances which resulted in the alleged discrimination, but knowledgeable about equal opportunity principles and the types of actions which are discriminatory.

(2) Persons who believe they have been discriminated against at Evergreen are encouraged to file their complaint with the Evergreen director of equal opportunity/affirmative action to allow the college to resolve the complaint and correct the discriminatory condition voluntarily. Persons who believe that they have



been discriminated against should remember that they may file a complaint simultaneously with the Washington state human rights commission (WSHRC), the U.S. Equal Employment Opportunity Commission (EEOC), or the Office of Civil Rights (OCR). A person may file a charge of discrimination with EEOC, OCR, or WSHRC within a period of one hundred eighty days after the alleged discrimination. The sooner the charge is filed, however, the sooner a complaint can be resolved or remedied. Information about filing a charge of discrimination with either of the above agencies may be obtained directly from them or from the college director of equal opportunity.

(3) The following procedure shall be employed for filing and handling discrimination complaints.

(a) A person or persons may file a written or verbal charge with the affirmative action officer against the alleged discriminating party. The complaint should state the date, place, and circumstances of the alleged unlawful practice and the desired remedy. NOTE: After a verbal report of the complaint, the charge should be put in writing for further handling.

(b) Upon receiving a written complaint, the affirmative action officer will:

(i) Notify, within five calendar days, the person or persons against whom the charge was filed.

(ii) Conduct an informal investigation to determine if there has been unlawful discrimination on the basis of race, sex, age, religion, national origin, or physical disability.

(iii) Within 20 calendar days after notification to the person or persons against whom the charge was filed, the affirmative action officer shall initially attempt to informally resolve the complaint. Should either party fail to agree to the resolution, then either may proceed under 3(c) herein to seek any other remedy.

(c) If the attempt to resolve the issue under WAC 174-148-090 (4)(b) fails, either such student, faculty member, or staff member, or the person or persons who he/she believes so discriminated, may request a hearing before a campus hearing board as provided in the college's document entitled, "governance and decision making."

(4) When the grievance procedure in the college's document entitled "governance and decision making" is initiated to handle a complaint of discrimination, the college must assure that the hearing board includes nonwhites, women, and persons who are knowledgeable in equal opportunity, affirmative action, and types of discrimination and how they occur.

(5) Appeal beyond the campus hearing board may be made by petition of either party to the board of trustees. The board of trustees may also, on its own motion, review any decisions of the campus hearing board and affirm, modify, or reverse that decision. [Order 74-1, § 174-148-090, filed 5/17/74.]

**Reviser's note:** The reference in WAC 174-148-090 (3)(c) to 174-148-090 (4)(b) probably refers to WAC 174-148-090 (3)(c).

**WAC 174-148-100 Incorporation by reference.** The following policy statements from the "Evergreen administrative code" and "Washington Administration Code" are incorporated by reference in this equal opportunity policy and affirmative action program:

(1) WAC 251-22-115, Maternity leaves.

(2) EAC 174-112-780 through 174-112-830, Professional leaves.

(3) EAC 174-112-780 through 174-112-150, Employment of relatives.

(4) WAC 251-108-010, Compensation plans.

(5) EAC 174-112-550 through 174-112-640, Salary guidelines for members of the faculty and for certain counselors and librarians.

(6) EAC 174-112-650 through 174-112-740, Salary guidelines for other exempt administrators. [Order 74-1, § 174-148-100, filed 5/17/74.]

**WAC 174-148-110 Legal basis.** The policy and program is intended to comply with and pass beyond the minimum requirements of the following applicable state and federal statutes, regulations, and directives:

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

(2) State of Washington, chapter 28B.16 RCW, the state higher education personnel law.

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

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

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

(6) Presidential Executive Order 11375 issued September, 1967, amending Presidential Order 11246 to expressly prohibit discrimination on account of sex.

(7) State of Washington, Governor Evans' executive order of August, 1972, which requires each state agency to appoint an affirmative action officer and to establish affirmative action policies and procedures. [Order 74-1, § 174-148-110, filed 5/17/74.]

**WAC 174-148-120 Definitions.** (1) Nondiscrimination: Elimination and absence of all conditions, in policy or practice, whether purposeful or inadvertent, which discriminate on the basis of race, sex, age, religion, national origin, marital status or the presence of any sensory, physical or mental handicap.

(2) Affirmative action: Actions which do more than insure neutrality with regard to race, sex, age, religion, national origin, marital status or physical disability, and which involve additional efforts to recruit, employ, train, and promote qualified nonwhites and women.



(3) Goals: Specific, projected levels of achievement to solve deficiencies in the recruitment, employment, training and promotion of qualified nonwhites and women and in all other personnel actions.

(4) Promotion: A personnel action resulting in movement to a position of greater skill, effort or responsibility. Wage or salary increases do not determine a promotion.

(5) Nondiscriminatory applicant pool: A pool of applicants containing qualified persons from both sexes and all races, to fill the job for which the pool is established.

(6) Equal opportunity employer: An employer who assures that all recruiting, hiring, promotion, training, delivery of services and opportunities, and all other personnel actions are performed without regard to race, sex, age, religion, national origin, marital status, physical disability and use only job-related qualifications.

(7) Applicant: A person whose application is actively under consideration for a job vacancy for which he/she meets the minimum qualifications.

(8) Under-utilization: The situation in which the statistical representation of nonwhites and women in the college's work force in a job category is less than the statistical representation of nonwhites or women in the labor force for that same job category.

(9) Job-related criteria: Those predetermined skills, knowledges and personal abilities which can be proved to be essential to successful performance on the job.

(10) Official and manager: A college employee with any one of the following job classifications or position titles or as may be designated by the higher education personnel board: Administrative vice president, affirmative action officer, assistant director of campus activities, assistant chief engineer, assistant to the president, associate dean of library services, associate director of recreation, bookstore manager, bookstore supervisor, budget officer, business manager, campus police lieutenant, chief accountant, chief engineer, coordinator of career planning and placement, coordinator of counseling services, coordinator of health services, custodial services manager, dean of library services, dean of student development programs, director of admissions, director of computer services, director of cooperative education, director of development, director of facilities, director of financial aid, director of general services, director of personnel/auxiliary services, director of public information, director of recreation and campus activities, facilities engineering supervisor B, housing manager, president, registrar, security chief, vice president and provost.

(11) Professional: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Accountant I, II, and III, accounting supervisor, administrative assistant to the president, administrative assistant to the vice president, admissions counselor, associate facilities engineer, buyer I, career counselor, cooperative education counselor or coordinator, coordinator of academic information, electronic media producer, director of third

world coalition, financial aid counselor, graphics designer, information specialist, learning resource specialist supervisor, media engineer, nurse practitioner, physician, placement counselor, professional counselor, professional librarian, science program coordinator, scientific programmer, senior architect, space analyst, systems analyst, veterans' services supervisor.

(12) Technician: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Broadcast technician, central services supervisor, data control technician, instructional technician, media operator, media maintenance technician, media technician, photographer, programmer, electronics technician, computer operations supervisor.

(13) Office and clerical: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Accounting assistant, accounting technician, administrative secretary, building services manager, key punch operator, library technician, statistical typist, mail carrier, media/film clerk, office assistant, office assistant-typing, office supervisor, personnel assistant, program assistant, purchasing assistant, retail clerk, scientific stores attendant, secretary, stockroom attendant.

(14) Crafts: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Steam engineer.

(15) Operatives: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Duplicating services supervisor, gardener, grounds supervisor, maintenance technician, truck driver, warehouse worker, media operator.

(16) Service worker: A college employee with any one of the following job classifications or position titles or as may be designated by the HEP board: Campus police officer, campus police assistant, custodian, custodian lead, parking supervisor, security guard.

(17) Physical disability: A condition of the body resulting from birth, from accident or sickness, which impairs bodily function, particularly in movement.

(18) Official college publications: Includes two general categories of publication, those which (1) emanate from the office of the director of college relations and those which (2) emanate from any other official and manager or professional primarily intended for representation of the college.

(19) Vacancy: A vacancy in an exempt administrative position occurs when an existing and continuing position becomes unfilled by death, resignation, dismissal, or promotion, or when a newly created position is approved; provided, however, that a vacancy shall not result if the public process of combining two or more exempt administrative positions as provided in EAC 174-112-425(3) establishes an enlarged position for which one or more incumbents of the positions combined qualify on the basis of job-related criteria as defined in WAC 174-148-120(9), and the appointing authority promotes one such incumbent to the combined position; provided, further,

that a vacancy shall result if the public process of combining two or more exempt administrative positions as provided in EAC 174-112-425(3) establishes an altered, but not enlarged, position. [Order 75-6, § 174-148-120, filed 11/5/75; Order 74-1, § 174-148-120, filed 5/17/74.]

**Chapter 174-157 WAC  
FOOD SERVICE—ALCOHOLIC BEVERAGE  
BANQUET PERMITS**

WAC	
174-157-600	Purpose and definition.
174-157-610	Banquet permit policy.
174-157-620	Banquet permit procedures.
174-157-990	Form—Exhibit 1—Request for approval of banquet permit.

**WAC 174-157-600 Purpose and definition.** The purpose of these sections WAC 174-157-600 through 174-157-620 is to establish the guidelines and procedures for securing a banquet permit for alcoholic beverage service on college property. Banquet permits are licenses to serve alcoholic beverages on a premise not ordinarily licensed to do so. Applications are approved on a one time only, limited invitation, specified date, time and location basis. [Order 75-1, § 174-157-600, filed 2/6/75.]

**WAC 174-157-610 Banquet permit policy.** (1) No banquet permit for The Evergreen State College will be applied for or issued without the signature of the president or the dean of student development programs on the application. Such signatory authorization shall be obtained at least two working days prior to the event or at least two working days prior to release of general information regarding the event, whichever is earlier.

(2) The Evergreen State College will not authorize application for banquet permits from the Washington state liquor control board until all of the following conditions are met:

(a) The person who will assume responsibility for the carrying out of the provisions of this policy for securing and use of the banquet permit, hereinafter referred to as the "sponsor," must be an employee of the college or a duly appointed representative of a recognized, registered college organization.

(b) The sponsor must reserve appropriate controlled access facilities for the event under the provisions of WAC 174-136-010 through 174-136-022 in advance.

(c) The sponsor must set a specific date and name both starting and ending times for the event.

(d) Alcoholic beverage service must be complementary to a planned program.

(e) Alcoholic beverages must be purchased, controlled, and the service thereof supervised by the sponsor.

(f) The sponsor must assure that the persons dispensing alcoholic beverages are at least 21 years of age.

(g) The sponsor must assure that no one under 21 years of age is served.

(h) The sponsor must make security arrangements to assure compliance with Washington state law, Washington state liquor control board regulations, and The Evergreen State College's policies, and to protect college property and integrity; such arrangements must have the prior approval of the college's security chief. [Order 75-1, § 174-157-610, filed 2/6/75.]

**WAC 174-157-620 Banquet permit procedures.** The sponsor shall: (1) Secure the appropriate application form from the office of the dean of student development programs (see Exhibit 1).

(2) Complete the entire form in the required detail for each question.

(3) Sign the completed form and secure the required signatory authorization.

(4) Deliver the completed form with the required application fee to any Washington retail liquor outlet for final application and issuance of the banquet permit.

(5) Post both the approved college application form and the banquet permit in a conspicuous place at the site of the function. [Order 75-1, § 174-157-620, filed 2/6/75.]

**WAC 174-157-990 Form—Exhibit 1—Request for approval of banquet permit.**

**EXHIBIT 1**

THE EVERGREEN STATE COLLEGE  
REQUEST FOR APPROVAL OF BANQUET PERMIT  
To Dispense Alcoholic Beverages on Campus

Date ----- This application must be approved at least two working days prior to the scheduled function, OR at least two working days prior to general announcement about the function, whichever is earlier.

1. RESPONSIBLE PERSON FOR EVENT:

-----  
Address: -----  
Phone: -----  
Organization Host: -----

2. LOCATION/TIME OF FUNCTION:

Building ----- Room -----

3. ESTIMATED ATTENDANCE:

Total ----- Guests -----

Under 21 years of age -----

4. REASON FOR FUNCTION; PURPOSE OF SERVING ALCOHOLIC BEVERAGES:

-----  
-----

5. BEVERAGES WILL BE DISPENSED BY: Name of person(s) -----

-----

SECURITY WILL BE PROVIDED BY: -----

-----

(Approved -----)  
Director of Security

- 6. I ACCEPT RESPONSIBILITY for compliance with state of Washington law, regulations established by the Washington state liquor control board, and policies of The Evergreen State College.
- 7. SIGNATURE OF APPLICANT: -----
- 8. APPROVAL: -----  
Dean of Student Development Programs  
Date: -----

- Copy 1 - Liquor store
- 2 - Liquor store
- 3 - To sponsor, to be posted with permit
- 4 - Security
- 5 - Auxiliary services

**INSTRUCTIONS ON APPLICATION FOR BANQUET PERMIT**

- 1. Obtain "Request for approval of banquet permit" from the office of the dean of student development programs.
- 2. Complete all sections of the application and secure required signature approval two days prior to the scheduled function and at least two days prior to release of general information about the scheduled function, whichever is earlier.

**Sec. 1:** The responsible person must be an employee of the college or a duly appointed representative of a recognized, registered college organization. This person accepts personal and organizational responsibility for compliance with state law, liquor control board regulations; and college policy.

**Sec. 2:** The location must be reserved in advance through the scheduling office (Kris Robinson - 6340). This information will also be required by the liquor board before issuing the permit. (Spaces which qualify for issuance of banquet permits must have controlled access, and facilities use request forms will be required.) The date and times must be specific, and both the starting and ending times will be enforced.

**Sec. 3:** Estimates of attendance should be as accurate as possible. Guests are those attendees who are not members of the sponsoring organization.

**Sec. 4:** The serving of alcoholic beverages on campus must be complimentary to and a part of a planned program. Beverages must be purchased, controlled, and served by the host organization. "Bring your own bottle" type functions will not be approved.

**Sec. 5a:** People responsible for dispensing the alcoholic beverages must be 21 years of age or over; will be responsible for seeing that no one under 21 years of age is served; and that adequate control over the inventory precludes distribution to anyone under 21 years of age in any way. (As a guide, plan for a

minimum of one bartender for each 100 attendants, to serve and check I.D.)

**Sec. 5b:** Security arrangements to assure compliance with state law, liquor board policy, college policy, and to protect college property and integrity must be approved by the director of security. (As a guide, will require one security person for the first 50 people and 100 thereafter.)

- 3. The following state liquor control board regulations apply:
  - a. That liquor will not be sold either for cash, scrip, tickets or in any manner whatever.
  - b. That this permit will be posted in a conspicuous place at the premises.
  - c. That the general public will be excluded, that no advance sale of tickets to the general public will be made, and no advertising will be directed to the general public.
  - d. The service and consumption of liquor will be confined to that specific room(s) or area identified on the application.
- 4. Secure signature approval of the dean of student development and the director of security no later than two days prior to the scheduled function and at least two days prior to release of general information about the scheduled function, whichever is earlier.
- 5. In the absence of the dean, contact the director of auxiliary services or the director of recreation and campus activities.
- 6. Take the approved "request" (copies 1 & 2) along with the required, nonrefundable, \$5.00 fee to any one of the three local liquor stores.

Liquor Store #11, 214 N. Capitol Way, Olympia  
Liquor Store #110, 4130 Market Square, Lacey  
Liquor Store #124, 411 Cleveland Ave., Tumwater

[Order 75-1, Form—Exhibit 1 (codified as WAC 174-157-990), filed 2/6/75.]

**Chapter 174-160 WAC  
ADMISSIONS PROCEDURES**

- WAC 174-160-010 Closing date and enrollment limitations.
- 174-160-020 Procedures.
- 174-160-030 Notification.
- 174-160-040 Credentials.

**WAC 174-160-010 Closing date and enrollment limitations.** The closing date for applications is May 1 for students seeking admission the following September. Fall enrollment will be limited to the number that can be effectively served within the available resources and facilities. Applicants for subsequent terms during the academic year will be considered as space becomes

available. [Order 72-11, § 174-160-010, filed 10/27/72.]

**WAC 174-160-020 Procedures.** (1) A \$15 application fee is required (nonrefundable and nonrecurring) in the form of a check or money order. Payment must accompany the uniform application for admission to colleges and universities in the state of Washington.

(2) A student applying directly from high school should request that an official transcript of his record, indicating his rank in his graduating class, be sent to the admissions office by the appropriate school official. Provisional acceptance can be granted on the basis of three years of high school work. Applicants accepted on this basis must submit a transcript showing the complete high school record and date of graduation before their acceptance is final.

(3) A transfer student is requested to present two official transcripts from each college or university attended. Applicants must be in good academic standing at the last institution attended. No action will be taken on a transfer application until all transcripts of previously completed work have been received. Students planning to enroll at Evergreen for the fall quarter who are currently enrolled in another institution must have an official copy of their records sent to the admissions office by June 20.

(4) The supplemental admissions form is an essential part of the admissions procedure. It must be completed by all prospective students in support of the application. The supplemental admissions form will be sent upon receipt of the uniform application for admissions to colleges and universities in the state of Washington.

(5) An admissions decision will not be made on incomplete applications. An application is considered complete when the following items have been submitted to the admissions office:

(a) Uniform application for admission to colleges and universities in the state of Washington, together with the \$15 application fee,

(b) Supplemental admissions form,

(c) Official transcript(s), and

(d) For those students entering from high school, appropriate test scores.

(6) Upon receipt of a notice of eligibility, the applicant must send an advance deposit in the amount of \$50 within 30 days. A permit to register, showing the date of registration, will then be sent.

(7) The health evaluation form, sent with the permit to register, must be completed by a physician and returned to the admissions office at least 30 days prior to the date of registration. [Order 72-11, § 174-160-020, filed 10/27/72.]

**WAC 174-160-030 Notification.** Notification of decisions will be made as soon as possible after a review of each completed application. A student must reapply if he fails to register for a particular term. Closing dates for applications are May 1 for fall term, December 1 for winter term, and March 1 for spring term. [Order 72-11, § 174-160-030, filed 10/27/72.]

**WAC 174-160-040 Credentials.** Credentials, except original documents, submitted in support of an application become the property of the college. The admissions credentials of students who do not register for the term in which they applied will be held for two years before being discarded. [Order 72-11, § 174-160-040, filed 10/27/72.]

## Chapter 174-162 WAC

### STUDENT AFFAIRS--RELEASE OF STUDENT INFORMATION--FINANCIAL OBLIGATION OF STUDENTS

#### WAC

174-162-010	General policy.
174-162-015	Definitions.
174-162-020	Disclosure to the student.
174-162-025	Requests and appeal procedures.
174-162-030	Release of personally-identifiable records.
174-162-035	College records.
174-162-040	Release of publicity information.
174-162-045	Notice of rights.
174-162-050	Withholding information.
174-162-300	Collection and appeal.
174-162-305	Emergency loans collections policy.
174-162-310	Withholding degrees and transcripts.
174-162-320	Credit balances in student accounts.
174-162-330	Exit interviews.

**WAC 174-162-010 General policy.** The Evergreen State College must insure that information contained in student records is treated responsibly with due regard for its personal nature, and for the students'[, ] college's, and community's needs. The following guidelines implement this general policy and respond to the requirements of Public Law 93-380 (Family Educational Rights and Privacy Act of 1974). [Order 76-4, § 174-162-010, filed 7/22/76.]

**WAC 174-162-015 Definitions.** For the purposes of WAC 174-162-010 through 174-162-045, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been registered at Evergreen, with respect to whom Evergreen maintains educational records or other information personally-identifiable by name, identification number, or other names of recognition.

(2) The term "educational records" means those records, files, documents and other materials maintained by Evergreen which contain information directly related to the individual student.

(3) The term "directory information" means the student's name, address, telephone number, dates of attendance, date and place of birth, major field of study, participation in officially recognized activities and sports, degrees and awards received, and the most recent previous educational agency or institution attended by the student. [Order 76-4, § 174-162-015, filed 7/22/76.]

**WAC 174-162-020 Disclosure to the student.** (1) A student has the right to inspect, and request copies of his

or her education records, except that a student is not entitled to access to:

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

(b) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes;

(c) Records on a student which are created or maintained by a physician, psychiatrist or other officially recognized professional or para-professional acting in his or her professional or para-professional capacity, and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment: *Provided, however,* That such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(d) A parent's confidential financial statement unless the student's parent or guardian has granted permission for access in writing either on the statement or in a separate authorizing letter;

(e) Records or/and documents of the security office which are kept apart from educational records and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction, if security office personnel do not have access to educational records under WAC 174-162-020(1).

(2) Recommendations, evaluations or comments concerning a student, whether or not provided in confidence, either expressed or implied, as between the author and the recipient, shall nonetheless be made available to the student, except that:

(a) The student may specifically release his right to review where the information consists only of confidential recommendations respecting admission to any educational institution, or an application for employment, or receipt of an honor or honorary recognition, by submitting the release in writing to the Evergreen individual(s) or office(s) having custody of the particular record;

(b) A student's waiver of his or her right of access to confidential statements shall apply only if the student is, upon request, notified of the names of all persons making confidential statements concerning him or her, the dates of such confidential statements were provided; and such confidential statements are used solely for the purpose for which they were originally intended, and such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from Evergreen;

(c) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under this subsection: *Provided, however,*

That upon request the student is notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. The student will initiate any request for release by direct contact with the author. Confidential information will then only be released to the student upon receipt of written consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to that student.

(4) Charges for copies of education records shall not exceed \$1.00 per page.

(5) The registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record or prepare other copies of the student's records on file in the registrar's office.

(6) Student education records may be destroyed in accordance with routine retention schedules. In no case will any record which is requested by a student for review in accordance with WAC 174-162-020 and 174-162-025 be removed or destroyed prior to informing the student and, if requested, providing the student access.

(7) A student's right to inspecting and securing copies of his or her education records passes to the student's heir(s) upon his or her death. [Order 76-4, § 174-162-020, filed 7/22/76.]

#### **WAC 174-162-025 Requests and appeal procedures.**

(1) A request by a student for review of information should be made in writing to the Evergreen individual(s) or office(s) having custody of the particular record. The individual(s) or office(s) having custody of the record requested shall require presentation of proper identification, including validation of identity by way of student's photo I.D. card and/or signatures, from the requesting student.

(2) The individual(s) or office(s) must respond to a request for educational records within a reasonable period of time, but in no case more than 45 days after the request has been made. Those specific cases identified in WAC 174-162-020(1) are exempted from coverage under this section.

(3) After reviewing his or her records, a student may challenge the content of the records if the student believes them to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. In such cases the student should contact the appropriate dean or director responsible for custody of the record. If a student has been unable to negotiate correction of or deletion of inaccurate, misleading or otherwise inappropriate data, he or she may pursue the grievance procedures in chapter 174-108 WAC and may place a written statement of rebuttal in his or her official records.

(4) Request for public records must be submitted in accordance with procedures outlined in chapter 174-108 WAC. [Order 76-4, § 174-162-025, filed 7/22/76.]

**WAC 174-162-030 Release of personally-identifiable records.** (1) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) Evergreen staff, faculty, and student employees when the information is specifically required for a legitimate educational interest within the performance of their assigned responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those assigned responsibilities;

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

(c) Agencies or organizations requesting information specifically required as a part of a student's application for, or receipt of, financial aid, with the understanding that its use will be strictly limited to that purpose;

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

(e) Accrediting organizations in order to carry out their accrediting functions, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it was provided;

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for educational records should also immediately notify the assistant attorney general assigned to Evergreen;

(g) A collection agency under contract to Evergreen when necessary to collect past due accounts the student owes to Evergreen upon the condition that the student is forwarded a notice at least ten days in advance of the date the account is transferred.

(2) Where the consent of a student is obtained for the issuance of education records, it shall be in writing, signed and dated by the student giving the release, and the names of the parties to whom such records will be released, and may include the reasons for such release, except that transcripts may be issued to other colleges or universities for admission as a result of telephone requests from the student.

(3) In cases where records are made available without student release as permitted by WAC 174-162-030 (1)(b), (c), (d), (e), (f), and (g), the appropriate Evergreen official shall maintain a record, which will be made available to the student upon request kept with the education record, which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 174-162-030 (1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) Students may request that the college not release directory information by written notice to the registrar.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is clearly necessary to protect the health or safety of a student or other person(s).

(7) Student information in computer files may be released only by the Evergreen individual or office which maintains the respective files. [Order 76-4, § 174-162-030, filed 7/22/76.]

**WAC 174-162-035 College records.** (1) All Evergreen individual(s) or office(s) which have custody of education records will develop implementation procedures in accordance with WAC 174-162-010 through 174-162-045.

(2) Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provisions shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records. [Order 76-4, § 174-162-035, filed 7/22/76.]

**WAC 174-162-040 Release of publicity information.** The college relations officer of the college may refer to "directory information" concerning the availability of information which may be released generally concerning enrolled students. Students may request that the college not release publicity information by written notice to the college relations office. [Order 76-4, § 174-162-040, filed 7/22/76.]

**WAC 174-162-045 Notice of rights.** In accordance with the requirements of the federal statute, the college through the office of the dean of enrollment services will annually notify all enrolled students of their rights under WAC 174-162-010 through 174-162-045 to include:

(1) The types of educational records and information contained therein which are directly related to students and maintained by the institution.

(2) The name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have access. [Order 76-4, § 174-162-045, filed 7/22/76.]

**WAC 174-162-050 Withholding information.** There may be conditions such as unmet financial obligations, violations of non-academic regulations, etc., under which the college will withhold credit reports, transcripts, certifications, or other information about a student. [Order 76-4, § 174-162-050, filed 7/22/76.]

**WAC 174-162-300 Collection and appeal.** As an institution of public higher education administering public funds, the college has the responsibility to exercise due diligence in the collection of its outstanding accounts. To this end, the following policy is adopted:

(1) When students register, tuition and fee obligations are incurred unless the students officially withdraw by the fifth day of the quarter. Tuition and fees are payable in full by the fifth day of the quarter. Students who have not paid full tuition and fees prior to the sixth day of the quarter will be assessed a fifteen dollar late payment fee. Students who have not paid the full amount of tuition and fees by the thirtieth calendar day will be disenrolled for nonpayment of fees on the thirty-first calendar day. If the student is reinstated following disenrollment, a fifty dollar reinstatement fee will be assessed in addition to tuition and fees (as well as the late payment fee), and will be due and payable at the time of reinstatement. All other charges presented on accounts receivable statement forms are due and payable on the tenth day of the month following the month that the charges were recorded. Charges that are not paid when due are considered delinquent and as such are subject to interest and penalty charges.

(2) Every student has the right to appeal a decision to assess any fee, fine, charge, debt or other financial obligation to the college as long as the appeal is made within ten days after the written notice of assessment. The appeal must be in writing and directed to the budgetary unit head of the unit assessing the charge(s) in question. The budgetary unit head receiving the appeal must respond to the appeal within ten days of the date of the appeal. If the appeal is denied and the student has not resolved his or her financial obligation to the college within ten days after the response to the appeal, the college may take the action authorized by WAC 174-162-310. If the student is still in disagreement with the decision, he or she may initiate COG mediation procedures as long as those actions are started within ten days after the response to the appeal.

(3) All student charges will be turned over to student accounts for collection action.

(4) In the event an account becomes sixty days delinquent all facilities on campus will be notified to cancel all credit privileges for the account and the registrar will be advised to withhold the student's transcript and registration privileges.

(5) In the event an account becomes seventy-five days past due it will be turned over to the collection agency for collection and/or legal action if appropriate. [Statutory Authority: RCW 28B.40.120(11). 83-12-001 (Order 83-2, Motion No. 83-21), § 174-162-300, filed 5/19/83; 80-18-025 (Order 80-3, Resolution 80-43), § 174-162-300, filed 11/26/80; Order 77-4, § 174-162-300, filed 12/16/77; Order 77-1, § 174-162-300, filed 4/26/77.]

**WAC 174-162-305 Emergency loans collections policy.** Emergency loans are made by the office of financial aid to assist students with short-term financial problems. The success of this program is dependent on timely repayment of those loans because old loans must be collected before new loans can be made.

Emergency loans are generally made so the due date occurs within the same quarter the loan is taken. These loans are made for tuition and fees and a variety of other reasons when students are faced with an emergency situation or a cash flow problem. Each loan, regardless of size, will be charged a \$2.00 service fee. Interest charges will not apply if the loan is repaid within thirty days. Loans not repaid within thirty days will be charged interest at one percent per month on the balance outstanding on the last day of each month.

Students who do not repay their emergency loans within thirty calendar days from their due date will have all credit privileges canceled, and the registrar will be advised to withhold the student's transcript and registration privileges. In the event an account becomes seventy-five days past due, it will be turned over to the collection agency for collection and/or legal action if appropriate. [Statutory Authority: RCW 28B.40.120(11). 83-12-001 (Order 83-2, Motion No. 83-21), § 174-162-305, filed 5/19/83; 81-15-017 (Order 81-2, Motion No. 81-20), § 174-162-305, filed 7/8/81.]

**WAC 174-162-310 Withholding degrees and transcripts.** Admission to or registration with the college, conferring of degrees and issuance of academic transcripts will be withheld for failure to meet financial obligations to the college. [Order 77-1, § 174-162-310, filed 4/26/77.]

**WAC 174-162-320 Credit balances in student accounts.** Students are expected to pay all accounts promptly when due. Account credit balances resulting from nonrefundable deposits, financial aid awards, and other overpayments may be offset against any outstanding charges due the college in the order of established priority guidelines. [Statutory Authority: RCW 28B.40.120(11). 79-06-079 (Order 79-1, Motion 79-30), § 174-162-320, filed 5/31/79.]



**WAC 174-162-330 Exit interviews.** A student who has a national direct student loan has the responsibility to arrange an exit interview with the accounts receivable office upon graduation, withdrawal, or transfer to on-leave status. The exit interview may be conducted in person or, when necessary, by mail.

The registrar shall withhold the diploma and transcripts for any such student pending receipt of confirmation by the accounts receivable office that the required exit interview has been completed. [Statutory Authority: RCW 28B.40.120(11). 80-05-067 (Order 80-1, Motion #80-12), § 174-162-330, filed 4/23/80.]