

# Title 132E WAC

## COMMUNITY COLLEGES--EVERETT COMMUNITY COLLEGE

- Chapters**
- 132E-12** Uniform personnel rules for the classified staff service of Everett and Edmonds Community Colleges.
- 132E-16** Traffic regulations of Everett Community College.
- 132E-112** Procedures for administering the professional negotiations law for Community College District V.
- 132E-120** Student conduct codes.
- 132E-124** Conduct policies on college campuses.
- 132E-128** Tenure policy.
- 132E-130** Everett Community College policy and regulations governing reduction in force.
- 132E-136** Policies on use of college facilities.
- 132E-161** Policy regarding admission and registration regulations and procedures.
- 132E-168** Library code.
- 132E-276** Governing access to public records.

- 132E-116-032 Display of permits. [Order 77-1-2, § 132E-116-032, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-036 Parking permit fees. [Order 77-1-2, § 132E-116-036, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-040 Refund of fees. [Order 77-1-2, § 132E-116-040, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-044 Additional vehicles. [Order 77-1-2, § 132E-116-044, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-048 Failure to register. [Order 77-1-2, § 132E-116-048, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-052 Parking permit exceptions. [Order 77-1-2, § 132E-116-052, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-056 Parking within designated spaces. [Order 77-1-2, § 132E-116-056, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-060 Locating legal parking space. [Order 77-1-2, § 132E-116-060, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-064 Motorcycle parking. [Order 77-1-2, § 132E-116-064, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-068 Bicycle parking. [Order 77-1-2, § 132E-116-068, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-072 Handicapped parking. [Order 77-1-2, § 132E-116-072, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-076 Disabled or inoperative vehicles. [Order 77-1-2, § 132E-116-076, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-080 Regulatory signs and directions. [Order 77-1-2, § 132E-116-080, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-084 Speed. [Order 77-1-2, § 132E-116-084, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-088 Pedestrian's right of way. [Order 77-1-2, § 132E-116-088, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-092 Report of accident. [Order 77-1-2, § 132E-116-092, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 132E-116

#### TRAFFIC REGULATIONS OF EDMONDS COMMUNITY COLLEGE

- 132E-116-001 Purpose for adopting rules. [Order 77-1-2, § 132E-116-001, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-004 Applicable traffic rules and regulations. [Order 77-1-2, § 132E-116-004, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-008 Permits required for vehicles on campus. [Order 77-1-2, § 132E-116-008, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-012 Valid permit. [Order 77-1-2, § 132E-116-012, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-016 Transfer of permits. [Order 77-1-2, § 132E-116-016, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-020 Permit revocation. [Order 77-1-2, § 132E-116-020, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-024 Right to refuse permit. [Order 77-1-2, § 132E-116-024, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-028 Issuance of permits. [Order 77-1-2, § 132E-116-028, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.

- 132E-116-096 Special traffic/parking regulations and restrictions. [Order 77-1-2, § 132E-116-096, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-100 Issuance of traffic citations. [Order 77-1-2, § 132E-116-100, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-104 Fines and penalties. [Order 77-1-2, § 132E-116-104, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-108 Appeal of fines and penalties. [Order 77-1-2, § 132E-116-108, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-112 Enforcement. [Order 77-1-2, § 132E-116-112, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-116 Liability of college. [Order 77-1-2, § 132E-116-116, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-120 Severability. [Order 77-1-2, § 132E-116-120, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 132E-116-124 Adoption. [Order 77-1-2, § 132E-116-124, filed 2/3/77.] Repealed by 85-04-003 (Order 85-1-1, Resolution No. 85-1-1), filed 1/24/85. Statutory Authority: RCW 28B.50.140.
- 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-040 Everett Community College—Records fee. [Order 72-1, § 132E-160-040, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-050 Everett Community College—High school transcripts. [Order 72-1, § 132E-160-050, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-060 Everett Community College—College transcripts. [Order 72-1, § 132E-160-060, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-070 Everett Community College—Washington precollege test. [Order 72-1, § 132E-160-070, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-080 Everett Community College—Health reports. [Order 72-1, § 132E-160-080, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-090 Registration procedures. [Order 72-1, § 132E-160-090, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-100 Registration procedures—Registration appointment. [Order 72-1, § 132E-160-100, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-110 Registration procedures—Registration planning. [Order 72-1, § 132E-160-110, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-120 Registration procedures—Responsibility for educational program. [Order 72-1, § 132E-160-120, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-130 Registration procedures—Registration fees. [Order 72-1, § 132E-160-130, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-140 Registration procedures—Quarterly registration fees. [Order 72-1, § 132E-160-140, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-150 Registration procedures—Refunding fees. [Order 72-1, § 132E-160-150, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-160 Registration procedures—Veterans exemption. [Order 72-1, § 132E-160-160, filed 2/1/73, effective

#### Chapter 132E-129

##### WASHINGTON COMMUNITY COLLEGE DISTRICT 5 REDUCTION IN FORCE POLICY

- 132E-129-001 Reduction in force. [Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852. 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), § 132E-129-001, filed 5/23/79.] Repealed by 82-23-063 (Order 82-11-1, Resolution No. 82-11-1), filed 11/17/82. Statutory Authority: RCW 28B.50.140.
- 132E-129-010 Community College District 5—Reduction in force policy for tenured and probationary faculty employees. [Order 73-1, § 132E-129-010, filed 11/29/73, effective 1/1/74.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-129-020 Community College District 5—Procedure for reduction in force—Creation of special review committee. [Order 73-1, § 132E-129-020, filed 11/29/73, effective 1/1/74.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.

#### Chapter 132E-160

##### ADMISSION AND REGISTRATION PROCEDURES

- 132E-160-010 Everett Community College—Admission—Requirements and procedures. [Order 72-1, § 132E-160-010, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW. Later promulgation, see chapter 132E-161 WAC.
- 132E-160-020 Everett Community College—Admission form. [Order 72-1, § 132E-160-020, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-030 Everett Community College—Registration deposit. [Order 72-1, § 132E-160-030, filed 2/1/73, effective

- 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-170 Registration procedures—Special registration—Late registration. [Order 72-1, § 132E-160-170, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-180 Registration procedures—Change of registration. [Order 72-1, § 132E-160-180, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-190 Auditing a course. [Order 72-1, § 132E-160-190, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-200 Withdrawal from college. [Order 72-1, § 132E-160-200, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-210 Withdrawal from college—Dropping a class. [Order 72-1, § 132E-160-210, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-220 Withdrawal from college—Transfer of credits within District 5. [Order 72-1, § 132E-160-220, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-230 Residency requirements. [Order 72-1, § 132E-160-230, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-240 Military credit. [Order 72-1, § 132E-160-240, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-250 Edmonds Community College admission and registration policy—Admission requirements. [Order 72-1, § 132E-160-250, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-260 Edmonds Community College admission and registration policy—Application procedure. [Order 72-1, § 132E-160-260, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-270 Edmonds Community College admission and registration policy—Required testing. [Order 72-1, § 132E-160-270, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-280 Edmonds Community College admission and registration policy—Educational planning. [Order 72-1, § 132E-160-280, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-290 Edmonds Community College admission and registration policy—Withdrawal from a course. [Order 72-1, § 132E-160-290, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-300 Edmonds Community College admission and registration policy—Withdrawals from college. [Order 72-1, § 132E-160-300, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-310 Edmonds Community College admission and registration policy—Refunding fees. [Order 72-1, § 132E-160-310, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-320 Edmonds Community College admission and registration policy—Schedule changes. [Order 72-1, § 132E-160-320, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-330 Edmonds Community College admission and registration policy—Audit. [Order 72-1, § 132E-160-330, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-340 Edmonds Community College admission and registration policy—Student credit load and limitations. [Order 72-1, § 132E-160-340, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-350 Edmonds Community College admission and registration policy—Petition. [Order 72-1, § 132E-160-350, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.
- 132E-160-360 Edmonds Community College admission and registration policy—Residence classification policy. [Order 72-1, § 132E-160-360, filed 2/1/73, effective 3/9/73.] Repealed by 83-10-025 (Order 83-4-6, Resolution No. 83-4-6), filed 4/28/83. Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW.

**Reviser's note:** Further promulgation of rules for Edmonds Community College may be found in Title 132Y WAC.

### Chapter 132E-12 WAC

## UNIFORM PERSONNEL RULES FOR THE CLASSIFIED STAFF SERVICE OF EVERETT AND EDMONDS COMMUNITY COLLEGES

### WAC

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## PURPOSE, ADOPTION, AND AMENDMENT OF RULES

**WAC 132E-12-003 Purpose.** It is the purpose of these rules to give effect to the state civil service law, chapter 41.06 RCW, of the state of Washington. It is the further purpose of these rules to provide basic statements of personnel policy and procedures which shall be applied equitably to all employees in the classified staff service. They are intended to provide a modern workable system of personnel administration based on merit principles. They are published to inform employees, supervisors and administrators of their rights and responsibilities under these rules, and to define the basis on which the office of the director shall conduct a comprehensive system of personnel management.

[Order 1-69, § 132E-12-003, filed 1/3/69.]

**WAC 132E-12-006 Positions covered by the rules.** The rules shall apply to all positions in the classified staff service as defined in the act and such temporary employees included by the personnel committee.

[Order 1-69, § 132E-12-006, filed 1/3/69.]

**WAC 132E-12-009 Adoption of rules.** Upon adoption by the personnel committee of the board of trustees of Everett and Edmonds Community Colleges these rules shall be in full force and effect.

[Order 1-69, § 132E-12-009, filed 1/3/69.]

**WAC 132E-12-012 Amendment of rules.** These rules may be amended by action of the personnel committee as provided in the act. It is recognized that the background and experience of each of the state institutions of higher learning in the administration of the act will be of valuable assistance to the personnel committee of other such institutions. The desirability of uniformity in the rules of the personnel committees of the several institutions of higher learning, where practicable, is likewise recognized.

It shall be the duty of the director of personnel to review with the other institutions of higher learning any proposed modifications of these rules, and to thereafter submit recommendations to the committee for amendments to these rules.

[Order 1-69, § 132E-12-012, filed 1/3/69.]

**WAC 132E-12-015 Definition of terms.** The following terms in these rules shall have the meaning indicated below except where the context clearly indicates otherwise: (1) "ACT." The state civil service law, chapter 1, Laws of 1961 (chapter 41.06 RCW) of the state of Washington and amendments thereto.

(2) "ALLOCATION." The assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work of the position.

(3) "APPOINTING AUTHORITY." The board of trustees of Community College District No. 5.

(4) "BOARD." The board of trustees of Everett and Edmonds Community Colleges.

(5) "CLASS." One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

(6) "CLASSIFIED SERVICE." All positions in the institution of higher learning subject to the provisions of the civil service law (Referendum Section 2.4,7).

(7) "COMMITTEE." The personnel committee of the board of trustees of Everett and Edmonds Community Colleges.

(8) "COMPETITIVE SERVICE." Those classes of positions for which a competitive examination shall be given for the determination of the rank order or merit of the competing candidates.

(9) "NONCOMPETITIVE." Positions designated by the personnel director as being primarily unskilled labor classes, seasonal and temporary positions, and positions for which competitive exams are currently impractical.

(10) "DEMOTION." The change of an employee from a position in another class which has a lower maximum salary.

(11) "DIRECTOR." The director of classified staff personnel (Referendum Act, Section 5).

(12) "DISMISSAL." The separation from employment for cause reflecting discredit upon the employee.

(13) "ELIGIBLE." Any person whose name is on an eligible list.

(14) "ELIGIBLE LIST." A list of persons who have successfully passed a noncompetitive, open competitive, or promotional examination or who are on an appropriate reemployment list by reason of layoff, request for transfer, or reclassification of their position.

(15) "EMPLOYING OFFICIAL." An administrative or supervisory employee, academic or nonacademic, classified or exempt, who exercises responsibility for the employment, discipline or termination of employees.

(16) "EXEMPT POSITION." A position excluded from coverage by the provisions of the act (Referendum Section 7).

(17) "IMMEDIATE FAMILY." Persons related by blood or marriage; or a legal adoption in the degree of consanguinity of grandparent, parent, wife, husband, brother, sister, child or grandchild; and any relative living in the employee's household.

(18) "LAYOFF." The removal of an employee from his position because of lack of work, lack of funds, or work reorganization and which reflects no discredit upon the employee.

(19) "NONCOMPETITIVE SERVICE." Noncompetitive service means all positions in the classified service for which competitive examination is not required.

(20) "ORGANIZATIONAL UNIT." An administrative division of the institution established for the purposes of personnel administration as defined in WAC 132E-12-350.

(21) "PERMANENT EMPLOYEE." An employee appointed to a classified position continuing for more than six months and who has successfully completed his probationary period.

(22) "POSITION." A group of current duties and responsibilities requiring the full or part time employment of one person.

(23) "PROBATIONARY PERIOD." The period of employment beginning with the date of original entrance into classified service or reinstatement into the classified service and continuing for six months.

(24) "PROMOTION." The change of an employee from a position in one class to a position in another class having a higher maximum salary.

(25) "PROVISIONAL APPOINTMENT." An appointment for not more than six months to fill a vacancy pending the establishment of an eligible list for the position.

(26) "RESIGNATION." The separation from employment by an employee made at his own request.

(27) "STUDENT EMPLOYEE." An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided in WAC 132E-12-392.

(28) "SUSPENSION." The temporary and involuntary separation of an employee from the institution's service for disciplinary reasons.

(29) "TRANSFER." The change of an employee from one position to another position in the same class or in another class with the same maximum salary.

(30) "TRIAL SERVICE PERIOD." The trial period of employment beginning with the effective date of promotion and continuing for six months.

[Order 1-69, § 132E-12-015, filed 1/3/69.]

## ORGANIZATION FOR PERSONNEL MANAGEMENT

### The personnel committee

**WAC 132E-12-018 Organization.** The board shall designate three of its members as a permanent personnel committee.

[Order 1-69, § 132E-12-018, filed 1/3/69.]

**WAC 132E-12-021 Compensation.** Each member of the committee shall be compensated for his services and necessary expenses in accordance with the act.

[Order 1-69, § 132E-12-021, filed 1/3/69.]

**WAC 132E-12-024 Election of officers.** The committee shall elect a chairman and vice chairman, from among its members, to serve one year. The presence of at least two members of the committee shall constitute a quorum to transact business. A written public record shall be kept by the committee of all its actions. The director shall serve as secretary.

[Order 1-69, § 132E-12-024, filed 1/3/69.]

**WAC 132E-12-027 Meetings.** Meetings, including hearings, shall be held at the call of the chairman, or

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any two members. All members shall be provided reasonable advance notice of the time and place of the meeting. Statements of findings and release of material shall be made only with the approval of a majority of the committee. A member of the committee or the secretary may administer oaths.

[Order 1-69, § 132E-12-027, filed 1/3/69.]

**WAC 132E-12-030 Powers and duties.** The committee shall have such powers, duties, and responsibilities as are required by the act, requested by the board, or otherwise required.

[Order 1-69, § 132E-12-030, filed 1/3/69.]

### The personnel director

**WAC 132E-12-033 Appointment.** Upon the recommendation of the president of the college district, the board shall designate a qualified, full-time, nonacademic employee who shall act as director of personnel for the classified staff service. (Referendum Act, Section 5.)

[Order 1-69, § 132E-12-033, filed 1/3/69.]

**WAC 132E-12-036 Powers and duties.** The director shall direct and supervise all of the administrative and technical personnel activities for the classified staff service in accordance with the act and rules and regulations approved and promulgated thereunder.

[Order 1-69, § 132E-12-036, filed 1/3/69.]

**WAC 132E-12-037 The appointing authority.** The appointing authority may delegate to employing officials the authority to initiate personnel actions including appointment, discipline, and termination of employees within the scope of these rules.

[Order 1-69, § 132E-12-037, filed 1/3/69.]

## CLASSIFICATION PLAN

**WAC 132E-12-039 Content.** The director shall maintain a classification plan approved by the committee for all positions in the classified staff service. The plan shall consist of specifications for each class, including a title, description of the duties and responsibilities and the qualification required and/or desired of an incumbent.

[Order 1-69, § 132E-12-039 (codified as WAC 132E-12-039), filed 1/3/69.]

**WAC 132E-12-042 Amendment.** The classification plan may be amended by action of the committee as provided in the act.

[Order 1-69, § 132E-12-042, filed 1/3/69.]

**WAC 132E-12-045 Allocation.** Each position in the classified service shall be allocated to an established class in the classification plan. Appointment may be made only to a position that has been classified.

(1) **New allocation.** Whenever an appointing authority desires to fill a new position, a notice of such proposed

action together with a description of the duties of the position shall be submitted to the director. The director shall allocate such position and notify the appointing authority of the allocation.

(2) **Reallocation.** When an appointing authority makes a permanent and substantial change in the duties and responsibilities of a position, written notice of the changes shall be submitted to the director for determination of the proper allocation of the position. The director shall notify the appointing authority of such allocation. The director upon his own initiative or at the request of an appointing authority or an employee or an employee's representative, may study the duties of any position to determine if its allocation is proper. Following such studies, the director may reallocate the position to the appropriate class.

(3) **Effect of reallocation.** An employee occupying a position which has been reallocated shall continue in the position only if he possesses the minimum qualifications or training and experience established for such position as measured by a qualifying examination. A reallocated position shall be considered the same as a vacant position and shall be filled in accordance with the provisions governing appointment, promotion, demotion, or transfer of employees. When an incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of these rules shall apply.

(4) **Appeal of allocation.** If an employee believes his position to be improperly allocated, or if an appointing authority believes a position under his supervision to be improperly allocated, he may appeal the allocation.

(a) A written appeal shall be prepared, stating the reasons for such appeal and arguments in support of it.

(b) The appeal shall be sent to the director who shall decide the appeal. Should the employee, or the appointing authority, question the decision, the appeal shall be referred to the committee.

[Order 1-69, § 132E-11-045 (codified as WAC 132E-12-045), filed 1/3/69.]

### Class specifications

**WAC 132E-12-048 Interpretation of specifications.** The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of any appointing authority to assign, direct, and control the work of the employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

[Order 1-69, § 132E-12-048, filed 1/3/69.]

**WAC 132E-12-051 Use in allocation.** In determining the class to which any position should be allocated,

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the specifications describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, education and experience requirements, and relationships to other classes, as a composite description of the kind of employment that the class is intended to embrace.

[Order 1-69, § 132E-12-051, filed 1/3/69.]

**WAC 132E-12-054 Use in examination.** The class specifications shall be used as a basis for determining the suitability of candidates for employment by supplying data basic to the preparation of qualifying tests and examinations.

[Order 1-69, § 132E-12-054, filed 1/3/69.]

**WAC 132E-12-057 Statements of general qualifications.** Qualifications commonly required of all incumbents of positions of different classes, such as acceptable physical condition and freedom from disabling defects, honesty, sobriety and industry, shall be deemed to be implied as entrance requirement to each class, and need not be specifically mentioned in the specifications. However, nothing in these rules shall be deemed to prohibit the handicapped who are otherwise qualified.

[Order 1-69, § 132E-12-057, filed 1/3/69.]

**WAC 132E-12-060 Authority.** The specifications for any class as interpreted herein shall constitute the basis and source of authority for the tests to be included in an examination for the class and for the evaluation of the qualifications of applicants.

[Order 1-69, § 132E-12-060, filed 1/3/69.]

**WAC 132E-12-063 Use of class titles.** The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payroll, budget, and other official records and reports relating to the position. Any abbreviation or code symbols approved by the director may be used in lieu of the class title to designate the class of a position for official records. Other working titles may be authorized by the appointing authority to be used as a designation of a position for purposes of internal administration or in oral or written contacts with the public or students.

[Order 1-69, § 132E-12-063, filed 1/3/69.]

### COMPENSATION PLAN

**WAC 132E-12-066 General policies.** A compensation plan for classified positions shall be maintained to provide for equitable pay for classified employees. Pay rates shall be linked directly to the classification plan and shall reflect not less than prevailing rates in Washington state private industries and other governmental units for positions of a similar nature.

[Order 1-69, § 132E-12-066, filed 1/3/69.]

**WAC 132E-12-069 Content.** A compensation plan for the classified staff service shall consist of schedules

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of rates or ranges with regular increment increase in monthly amounts showing the assignment of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies.

[Order 1-69, § 132E-069 (codified as WAC 132E-12-069), filed 1/3/69.]

**WAC 132E-12-072 Amendment.** The compensation plan may be by action of the committee as provided in the act. It is the responsibility of the director to maintain a continuing review of the adequacy and equity of the compensation plan, and he shall propose amendments that are required to adjust it. He shall periodically secure comparative wage information with one such inquiry to be conducted a year prior to the convening of each regular session of the state legislature.

[Order 1-69, § 132E-12-072, filed 1/3/69.]

**WAC 132E-12-075 Payroll certification.** Salary payment to classified employees may not be approved until the director has certified that their appointment has been made in accordance with the act.

[Order 1-69, § 132E-12-075, filed 1/3/69.]

#### HOURS OF WORK AND LEAVES OF ABSENCE

**WAC 132E-12-078 Hours of work.** Hours of work shall be specified by job class. They may vary for different classes but shall be uniform for all employees in the same class.

(1) Two general work schedules are recognized. The assignment of an employee to a particular schedule will be stated in the class specifications as described in the classification plan. The employee shall be notified of such assignment in the terms of his appointment.

(a) **Plan A.** Forty hours per week shall constitute full-time employment. The normal work week is considered to be eight hours for five consecutive days, from 8:00 a.m. to 5:00 p.m., with one hour for lunch. The appointing authority may adjust the schedule of an individual employee or group of employees under his supervision to provide different schedules of daily hours of working days, or to provide for extra services outside of normal work hours, provided that such adjustment shall not result in requiring an average work week of either less or more than forty hours per week for full-time employment. Reasonable notice will be given the employee whose schedule of hours must be changed.

(b) **Plan B.** Employees whose duties are primarily professional or supervisory, or who are assigned the responsible charge of a work program that cannot be restricted to a specific schedule of hours, shall work during such periods as their duties require.

[Order 1-69, § 132E-12-078, filed 1/3/69.]

**WAC 132E-12-084 Rest periods.** Each employee shall be entitled to not less than a ten minute rest period for each four hours of work. Each eight-hour shift shall

include two rest periods, even though the shift is unequally divided.

[Order 1-69, § 132E-12-084, filed 1/3/69.]

**WAC 132E-12-087 Holidays.** The following holidays with pay, in addition to other days designated under the authority of the board, shall be allowed employees working on a continuous basis or on leave with pay on the last working day preceding the holiday:

New Year's Day	Labor Day
Washington's Birthday	Veterans' Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

The employee must have been on the payroll for at least ten days prior to the holiday to receive compensation for the holiday.

In substitution for Lincoln's Birthday, Columbus Day, and General Election Day which are legal holidays for state employees established by RCW 1.16.050, the following days will be granted: "The Friday following Thanksgiving, the last working day before Christmas, and the last working day before New Year's Day."

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday. Whenever an employee is required to work any of the legal holidays, he shall be given a compensatory day off with pay.

(1) Holiday time worked shall be treated as overtime work as defined in the compensation plan.

(2) When a holiday falls on an employee's scheduled day off, he shall be given a day of compensatory time off.

[Order 1-69, § 132E-12-087, filed 1/3/69.]

**WAC 132E-12-096 Annual leave.** Classified employees shall earn annual leave at rates based on the schedule of their duties.

(1) Annual leave with pay shall accrue to employees whose work is scheduled under Plan A of these rules at the rate of one working day for each month of continuous service if their employment is continuous for six months or longer. Under this provision a maximum of twelve days may accrue annually.

(a) One additional day of annual leave shall be allowed each year for satisfactorily completing the first two, three, and five continuous years of employment respectively.

(b) Beginning with the tenth year of continuous employment, in recognition of continuity of service, one additional working day of annual leave shall be allowed for each additional year of continuous service thereafter until a maximum of twenty-two working days of annual leave is allowed.

(2) Annual leave with pay shall accrue to employees whose work is schedule under Plan B of these rules at the rate of twenty-two working days per year.

(3) New employees may not take annual leave until they have completed their probationary period of six months' service.

(4) Annual leave shall be scheduled by the employing department at a time most convenient to the work of the



department, the determination of which shall rest with the appointing authority. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

(5) Unused annual leave credits may be accumulated to a maximum of thirty working days, except that if an employee's request for leave is deferred by the appointing authority and a statement of the necessity is filed with the director, then the maximum of thirty days' accrual shall be extended for each month that the leave is deferred. Annual leave earned by the employee must be allowed him during the period it is available to him. No extra compensation in lieu of annual leave shall be paid the employee.

(6) Under separation from the classified service in good standing after six months of continuous employment, annual leave pay shall be allowed to the extent of the employee's accrued and unused annual leave credits as shown by the records of the director.

[Order 1-69, § 132E-12-096, filed 1/3/69.]

**WAC 132E-12-120 Sick leave.** Sick leave with full pay shall accrue to classified employees at the rate of one working day per month of completed service.

(1) Sick leave shall be allowed an employee up to the amount of his earned credits under the following conditions:

(a) Because of and during illness or injury which has incapacitated the employee from performing his duties.

(b) By reason of exposure of the employee to contagious disease during such period as his attendance on duty would jeopardize the health of fellow employees or the public.

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that require the assistance of the employee in circumstances arising from the care of the patient or arrangement for the deceased. Leave for the purpose of condolence or bereavement may be granted only with the approval of the appointing authority. Leave for such reason shall be limited to three days in any one instance, unless it can be demonstrated to the appointing authority that additional time is necessary by reason of travel distance; in such cases, up to five days may be authorized.

(d) For the purpose of medical, dental or optical appointments, if arranged in advance with the appointing authority.

(2) Maternity leave may be authorized for period of nonwork in accordance with Industrial Welfare Order No. 2-62 (10), effective 3/21/62 published by the department of labor and industries of the state of Washington, which reads as follows: (Maternity leave is without pay.) (10) **Maternity.** No female employee shall be knowingly employed for a period of four months before confinement for childbirth, or six weeks thereafter, except that upon presentation of a letter of request from the employer together with a doctor's certificate, stating her health will not be impaired by such employment to a specified time, a special permit may be granted for continuous employment by the supervisor of women and minors.

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(3) Sick leave payments to employees suffering illness or injury compensable under industrial insurance provisions shall be entitled to pay to which they would be entitled if on duty minus any industrial insurance payments received by the employee in compensation for the time loss resulting from such illness or injury, for the period of such leave.

(4) Sick leave shall accumulate to a maximum of one hundred eighty working days of unused leave.

(5) Illness or disability shall be reported at the beginning of any period of sick leave to the immediate supervisor by the employee or the person to act for him. Upon his return to work, the employee may be required by the appointing authority to submit a written statement explaining the nature of the disability.

(6) A physician's certificate of illness or injury satisfactory to the appointing authority may be required for approval of sick leave.

(7) Upon separation of the employee from the classified service for any cause, compensation shall not be paid for accrued sick leave credits. Employees who have been laid off will have previous sick leave credits reinstated upon their return to active service.

[Order 1-69, § 132E-12-120, filed 1/3/69.]

#### Military leave of absence

**WAC 132E-12-144 Military training leave with pay.** An employee in the classified staff service shall be entitled to military leave of absence without loss of pay for active duty in the Washington National Guard, or in the Army, Air, Marine, or Naval Reserve Forces of the United States for purposes of attending annual field training exercises or otherwise discharging reserve obligations. Military training leave shall not exceed fifteen calendar days in any one year as provided by statute.

[Order 1-69, § 132E-12-144, filed 1/3/69.]

**WAC 132E-12-147 Military leave without pay.** A classified employee shall be entitled to military leave of absence without pay for service in the armed forces of the United States or the state, and to reinstatement upon application to the director within ninety days after expiration of such period of military service, to his former position or to one of like class in accordance with state law governing this matter.

[Order 1-69, § 132E-12-147, filed 1/3/69.]

**WAC 132E-12-150 Leave for civil duty.** Leave of absence for jury duty, to serve as a witness at trials, or to exercise other civil duties may be granted an employee. In such cases a salary adjustment shall be made to deduct any amount received for such civil duty, less expenses, from the employee's monthly salary warrant, so that there is neither a financial gain nor loss to the employee.

[Order 1-69, § 132E-12-150, filed 1/3/69.]

**WAC 132E-12-153 Leave of absence without pay.** Leave of absence without pay must be allowed for a classified employee for specific periods for any of the

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reasons applicable for leave with pay and for maternity leave.

(1) Leave of absence without pay may be allowed, upon the approval of the appointing authority and the director, in an amount not to exceed twelve months.

(2) Leave of absence without pay extends from the time an employee's name is removed from the payroll until he returns to continuous service.

(3) Annual leave or sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

[Order 1-69, § 132E-12-153, filed 1/3/69.]

**WAC 132E-12-165 Absence without authorized leave.** Leave of absence whether with or without pay, must be authorized in writing by the appointing authority and the director. Absence other than on duly authorized leave shall be treated as leave without pay, and, in addition, may be grounds for disciplinary action.

[Order 1-69, § 132E-12-165, filed 1/3/69.]

## RECRUITMENT AND EXAMINATION

**WAC 132E-12-168 Selection by examination.** Appointments to positions in the classified staff service shall be made according to merit and suitability. Merit and suitability in the competitive service shall be ascertained by examination which shall be selected or specified by the director, and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position.

[Order 1-69, § 132E-12-168, filed 1/3/69.]

### Announcement of examinations

**WAC 132E-12-171 Content of announcements.** Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the experience and training required; the time, place, and manner of making application; the necessary qualifications established for admission to the examination; and other pertinent information consistent with the act and these rules.

[Order 1-69, § 132E-12-171, filed 1/3/69.]

**WAC 132E-12-174 Distribution of announcements.** Public notice of examinations shall be given at least one calendar week in advance of the last date for filing of applications by means of announcements posted on bulletin boards. Announcements of examinations shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants.

[Order 1-69, § 132E-12-174, filed 1/3/69.]

### Eligibility to compete in examinations

**WAC 132E-12-177 Open competitive examinations.** Examinations designed to establish employment lists

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shall be open to all who appear to meet the qualifications and other requirements for the class as set forth in the examination announcement. Probationary employees may be admitted to open competitive examinations.

[Order 1-69, § 132E-12-177, filed 1/3/69.]

**WAC 132E-12-180 Promotional examinations.** Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications.

[Order 1-69, § 132E-12-180, filed 1/3/69.]

### Applications

**WAC 132E-12-183 Forms of application.** Applications for an examination shall be filed on such application forms as may be prescribed by the director. To be accepted for review, applications must be delivered to the office of the director prior to the closing date specified in the announcement or postmarked before midnight of that date. Applications shall include a statement from the applicant with all pertinent information regarding his education, experience, and other personal data which the director deems necessary. Applications must be signed by the applicants, and the truth of all statements contained therein certified by such signature. The director may require such proof of age, residence, education, veteran's preference and other claims as he deems appropriate.

[Order 1-69, § 132E-12-183, filed 1/3/69.]

**WAC 132E-12-186 Freedom from bias.** No question in any application form or any examination shall be so framed as to elicit any information concerning political or religious opinions or affiliations or the race of any applicant nor shall any inquiry be made concerning such opinions or affiliations. The foregoing shall not prevent any inquiry as to whether the applicant, employee or eligible, advocates or is a member of any organization which advocates the overthrow of or resistance by force to our form of government where the conditions of the employment in question require such inquiry.

[Order 1-69, § 132E-12-186, filed 1/3/69.]

**WAC 132E-12-189 Admission to examination.** Persons who submit applications on or before the last date of filing and whose applications clearly show that they meet the requirements for admission to the examination shall be admitted to compete in the examination for which they are applying. No person shall be permitted to take an examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application. Any applicant who, for illness or other good cause, is unable to appear as notified may be given the examination at a later date, but only if the candidate advised the director of his inability prior to the time he was originally scheduled to appear.

[Order 1-69, § 132E-12-189, filed 1/3/69.]

**WAC 132E-12-192 Disqualification of applicants.** The director may reject the application of any person for admission to an examination, or decline the applicant who: (1) Is found to lack the qualifications prescribed for admission to the examination; (2) is physically unfit to perform effectively the duties of the class; (3) is addicted to the habitual use of alcoholic beverages and to excess or to the use of narcotics, as defined in the Uniform Narcotics Act RCW 69.33.220. The use of drugs, alcohol, or medication which impairs the employee's ability to perform the described duties, or make him a hazard to others, or is illegal according to state, local, or federal laws; (4) has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct; (5) has used or attempted to use influence or bribery to secure an advantage in an examination or appointment; (6) has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination; or (7) has otherwise violated provisions of the law or these rules. Whenever the director refuses an applicant under the provisions of these rules, he shall furnish him a statement of the reasons therefor.

[Order 1-69, § 132E-12-192, filed 1/3/69.]

**Reviser's note:** RCW 69.33.220, cited in the above section, was repealed by section 69.50.606, chapter 308, Laws of 1971 ex. sess. For later enactment see chapter 69.50 RCW.

#### Character of examinations

**WAC 132E-12-195 Original examinations.** Examinations for original appointment to the classified service shall relate to those matters which fairly test the capacity and suitability of the persons examined to discharge duties of positions sought. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, evaluations of training and experience, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, skills, abilities, character, physical fitness or any other qualifications or attributes which in the judgment of the director shall enter into determination of the relative fitness of applicants.

[Order 1-69, § 132E-12-195, filed 1/3/69.]

**WAC 132E-12-198 Promotional examinations.** Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration quality and nature of experience as well as length of service.

[Order 1-69, § 132E-12-198, filed 1/3/69.]

**WAC 132E-12-201 Noncompetitive examinations.** The director may conduct for the noncompetitive service an examination which consists only of the determination of whether or not the applicant meets the minimum qualifications for the position for use in positions declared to be in the noncompetitive service. An unranked eligible list will be established from such examinations.

[Order 1-69, § 132E-12-201, filed 1/3/69.]

**WAC 132E-12-204 Open-continuous examinations.** When it is necessary to meet continued requirements for filling positions and there is not available a sufficient number of qualified applicants for a class, the closing date for an examination may be indefinite and applicants may be tested continuously as they appear in such manner at such time and places as the director may provide. The closing date for any open-continuous examination may be set at any time by the director but notice of this action shall be posted in a public place at least one week prior to the effective date of closing.

[Order 1-69, § 132E-12-204, filed 1/3/69.]

#### Examination administration

**WAC 132E-12-207 Conduct of examinations.** Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration, and the needs of the service. The examination shall be conducted by the director or persons designated by him, except that in no case shall the employing official of the class for which the examination is held or any supervisors in his department be granted authority to examine.

[Order 1-69, § 132E-12-207, filed 1/3/69.]

**WAC 132E-12-210 Anonymity of applicants.** All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of examinations.

[Order 1-69, § 132E-12-210, filed 1/3/69.]

**WAC 132E-12-212 Merit lists.** On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings, names shall be placed on the list in order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

(1) **Open competitive list.** Each open competitive list shall be established by class of employment and shall consist of a list of names of all persons who have passed examination for the class for which the open competitive list is established.

(2) **Institution-wide promotional lists.** Institution-wide promotional lists shall be established by class of employment and shall consist of the names of permanent employees who have passed a promotional examination for the class for which the list is established.

(3) **Organizational unit promotional lists.** Organizational unit promotional lists shall consist of names of all permanent employees in an organizational unit who have passed the promotional examination for the class for which the list is established. Promotional lists shall be established for an organizational unit only after such subdivision has been approved by the director prior to the date of the examination.

[Order 1-69, § 132E-12-212, filed 1/3/69.]

**WAC 132E-12-215 Layoff lists.** Names shall be placed on the following lists in order of the length of the employee's previous service in the class for which the list is established.

(1) **Organizational unit layoff list.** An organizational unit layoff list shall contain the names of all permanent and probationary employees laid off from the class of employment in the approved organizational unit for which the list is established.

(2) **Institution-wide layoff list.** An institution-wide layoff list shall contain the names of all permanent and probationary employees in the class of employment for which the list is established.

[Order 1-69, § 132E-12-215, filed 1/3/69.]

**WAC 132E-12-228 Unranked lists.** Names shall be placed unranked on the following lists:

(1) **Transfer lists.** A transfer list shall contain the names of all permanent employees who are currently employed and have submitted a written request to be considered for transfer to another position.

(2) **Reemployment list.** A reemployment list shall contain the names of all permanent employees who have resigned from the class of employment in good standing, and who have requested reemployment in the class, provided that they meet the minimum requirements for the class at the time of their application.

(3) **Noncompetitive service lists.** A noncompetitive list shall include the names of applicants who successfully meet the minimum requirements for the class of employment for which the list is established, where the class has been previously declared by the director to be a part of the noncompetitive service.

[Order 1-69, § 132E-12-228, filed 1/3/69.]

**WAC 132E-12-231 Duration of eligible lists.** The committee shall determine the period during which promotional or open competitive lists shall remain in effect. When an eligible list exists for any class, and the committee deems it necessary to establish another such list for the same class, the existing list ordinarily shall be canceled.

[Order 1-69, § 132E-12-231, filed 1/3/69.]

**WAC 132E-12-261 Removal of names from eligible lists.** The director may remove names from eligible lists permanently or temporarily for any of the following reasons subject to appeal rights as provided in WAC 132E-12-332 and 132E-12-335 of these rules:

(1) A person who is appointed to a permanent position through certification or appointed to trial service or a probationary position shall have his name removed from the list. All other names would remain on the list.

(2) Failure to respond within ten days to a written inquiry or within three days to a telegraphed inquiry from the director or appointing authority relative to availability for appointment.

(3) Declination of appointment under such conditions as the eligible previously indicated he would accept.

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(4) Failure to report for duty within the time prescribed by the appointing authority.

(5) Failure to maintain a record of his current address at the office of the director. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such removal of the name from the eligible list.

(6) Upon certification three times to the same or different employing official, if not appointed. When so removed the applicant will be informed in writing.

(7) In the case of organizational unit promotional lists, or transfer lists, appointment or transfer of the employee to a position in another organizational unit.

(8) In the case of institution-wide promotional lists and transfer lists, upon separation from the classified service.

[Order 1-69, § 132E-12-261, filed 1/3/69.]

**WAC 132E-12-264 Comparable lists.** If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose the director shall select lists from classes for which the examination and qualifications are similar to those required for the class in which the vacancy exists.

[Order 1-69, § 132E-12-264, filed 1/3/69.]

**WAC 132E-12-267 Availability of eligibles.** It shall be the responsibility of eligibles to notify the office of the director in writing of any change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles.

Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from all certifications which do not meet the conditions he has specified. An eligible may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which he will be available for employment.

[Order 1-69, § 132E-12-267, filed 1/3/69.]

## CERTIFICATION AND APPOINTMENTS

**WAC 132E-12-270 Request for employees.** When a vacancy in the classified staff service is to be filled, the appointing authority shall submit a requisition to the director on such form and in such manner as the director may prescribe. This requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable or necessary special or outstanding qualifications for the position under consideration may be indicated and the reasons therefor. Eligibles shall be certified in strict order of standing on the appropriate list except in the cases where the director has determined that he should certify eligibles with

special qualifications. In the latter case, eligibles meeting the special qualifications shall be certified in the order of their standing on the list. Any permanent employee who is adversely affected by such certification may appeal the action to the committee.

[Order 1-69, § 132E-12-270, filed 1/3/69.]

**WAC 132E-12-273 Method of certification.** Upon receipt of a personnel requisition, the director shall certify in writing two more names than there are vacancies to be filled. The following eligible lists shall be used by the director in the order of priority indicated below:

- Organizational unit layoff lists
- Institution-wide layoff lists
- Organizational unit promotional lists
- Transfer lists
- Institution-wide promotional lists
- Reemployment lists
- Open competitive and noncompetitive lists

[Order 1-69, § 132E-12-273, filed 1/3/69.]

**WAC 132E-12-276 Ranked lists.** Where ranked lists are used, the director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies.

If there are not sufficient names on any single list to provide the proper number for certification, additional names may be certified from the list of next lower priority.

[Order 1-69, § 132E-12-276, filed 1/3/69.]

**WAC 132E-12-279 Related lists.** The director may at his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class when no appropriate lists exists where he determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made.

[Order 1-69, § 132E-12-279, filed 1/3/69.]

**WAC 132E-12-281 Selection.** The appointing authority shall return the list of names certified indicating his action on the certification, within a time limit set by the director from the date of certification.

(1) When a choice is made for appointment, the name of the eligible selected should be so indicated.

(2) When an eligible declines the appointment, he should be required to submit a request in writing to remain on the eligible list.

[Order 1-69, § 132E-12-281, filed 1/3/69.]

## Appointments

**WAC 132E-12-284 Probationary appointments.** Probationary appointments shall be made only after certification from eligible lists. The director shall be notified of the selection made as provided in WAC 132E-12-281 of these rules.

[Order 1-69, § 132E-12-284, filed 1/3/69.]

**WAC 132E-12-287 Provisional appointments.** When the appointing authority certifies to the director that there is urgent need to fill a position and no qualified eligibles exist, the director may authorize him to fill the position by provisionally appointing any person who meets the minimum requirements for the class of work. Such an appointment shall be terminated with six months or upon certification and appointment from an eligible list, whichever occurs first. No person shall receive more than one provisional appointment. No seniority shall be gained as the result of a provisional appointment except for continuance of seniority in a lower class upon provisional promotion to a higher class. During the time a position is filled by a provisional appointment, the director shall conduct a wide and continuous search for applicants for the position and conduct examinations for the same. If no other person applies within six months, the provisional appointee may be examined and appointed.

In situations wherein qualified eligibles are available but less than three required for certification, a provisional appointment of an eligible may be made. If the director is unable within thirty days of the effective date of the provisional appointment to attract the number of candidates necessary for full certification, the person holding the provisional appointment may be given a probationary appointment providing he passed the examination for the class.

[Order 1-69, § 132E-12-287, filed 1/3/69.]

**WAC 132E-12-290 Transfer.** A position may be filled by transferring an employee from another position of the same class or similar class with the same maximum salary. Interdepartmental transfers must be approved by the appointing authority accepting the transfer and the director.

[Order 1-69, § 132E-12-290, filed 1/3/69.]

**WAC 132E-12-293 Demotion.** A position may be filled by the demotion of an employee in accordance with the procedures as set forth in WAC 132E-12-305 and 132E-12-329.

[Order 1-69, § 132E-12-293, filed 1/3/69.]

## PROBATIONARY PERIOD

**WAC 132E-12-296 Purpose.** A probationary or trial service period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his position, and to reject any

employee whose work performance fails to meet required work standards.

[Order 1-69, § 132E-12-296, filed 1/3/69.]

**WAC 132E-12-299 Duration.** All original appointments made from the open competitive list, reemployment list and the noncompetitive service list shall be tentative and subject to a probationary period of six months of actual service which starts upon the effective date of an appointment. Any interruption of service during the probationary period shall not be counted as part of such period. (Referendum Act, Section 15.)

[Order 1-69, § 132E-12-299, filed 1/3/69.]

**WAC 132E-12-302 Removal during the probationary period.** At any time during the probationary period the appointing authority may remove an employee whose performance does not meet the required standards, provided that he shall report the removal and the reasons therefore in writing before the effective date of separation to the director and the employee concerned. Notice of two weeks will normally be given an employee who is removed. The director shall immediately investigate and determine whether the removal was because the employee(s) did not meet the required standards and submit a report of his investigation(s) together with his conclusions to the committee. If the employee was removed for reasons other than his performance did not meet the required standards, the committee shall order his reinstatement. Dismissal during the probationary period is not, however, appealable by the employee.

[Order 1-69, § 132E-12-302, filed 1/3/69.]

**WAC 132E-12-305 Demotion during probationary period.** At any time during the probationary period when an employee is about to be laid off because of reduction in force, the appointing authority, with the consent of the employee, may demote such employee in lieu of layoff if he is otherwise eligible and work is available in a lower class. The name of such an employee shall be restored to the lists from which it was removed at the time of the appointment. The probationary period of an employee demoted in lieu of layoff during that period shall include the period of probation in the higher class. No demotion of this kind shall be made if it will result in the separation of any other employee with greater length of service.

[Order 1-69, § 132E-12-305, filed 1/3/69.]

**WAC 132E-12-306 Duration trial service period.** All appointments of employees made from promotional lists after an employee has once achieved permanent status in another position, except through reinstatement, shall include a trial service period for the first six months.

[Order 1-69, § 132E-12-306, filed 1/3/69.]

**WAC 132E-12-307 Reversion during the trial service period.** An employee who is removed from the new position during the trial service period for reasons other

than misconduct or delinquency shall automatically revert to his former classification and status.

[Order 1-69, § 132E-12-307, filed 1/3/69.]

## SEPARATION AND DISCIPLINARY ACTIONS

**WAC 132E-12-308 Separation.** Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service.

[Order 1-69, § 132E-12-308, filed 1/3/69.]

**WAC 132E-12-311 Resignation.** Any employee may resign from service and should present his resignation in writing to the appointing authority. To resign in good standing an employee must give at least two calendar weeks' notice, unless the director waives the notice requirement. Such resignation shall be promptly forwarded to the director by the appointing authority.

[Order 1-69, § 132E-12-311, filed 1/3/69.]

**WAC 132E-12-314 Reduction in force--Layoff.** The appointing authority may separate an employee without prejudice because of lack of funds, reorganization or curtailment of work. Notice of at least two calendar weeks must be given to such employee.

(1) **Order of layoff.** Layoff of permanent employees will be made in inverse order of seniority in the class of work and the organizational unit involved. Seniority shall be measured by the period of unbroken service in the class and organizational unit, including authorized leaves of absence. Where two or more employees in the same class have equal seniority, layoff will be in alphabetic order of the last names of the employees affected.

(2) **Transfer or voluntary demotion.** In the event of a reduction in force, a permanent employee shall not be laid off while any probationary, provisional, or temporary employee in a higher class of a series of related classes with greater seniority shall be offered voluntary demotion to a lower class, provided he qualifies for the class and has greater seniority than the occupant of the position in the lower class.

(3) **Laid off employees on layoff registers.** The names of permanent and probationary employees who have been laid off shall be placed on the appropriate layoff list in accordance with these rules.

[Order 1-69, § 132E-12-314, filed 1/3/69.]

**WAC 132E-12-317 Dismissal.** The appointing authority may dismiss for cause any permanent employee under his jurisdiction by delivering at least fifteen calendar days before the effective date thereof a written statement of the specific charges by personal delivery or by certified mail to the employee's last known address, with a copy to the director. If the appointing authority, because of the circumstance and legal cause as set forth in the written statement for the dismissal, desires to make an immediate separation from the service, he may effect a suspension without pay pending dismissal. By so notifying the director in writing, such action shall automatically result in permanent separation at the end of

the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in WAC 132E-12-078 and 132E-12-165. The appointing authority may withdraw or modify a dismissal within fifteen calendar days after the original written notice is filed. A permanent employee so dismissed shall have the right to appeal in writing not later than thirty calendar days after the effective date of the dismissal to the committee and shall be granted a hearing as provided in WAC 132E-12-168 and 132E-12-213 of these rules.

[Order 1-69, § 132E-12-317, filed 1/3/69.]

**WAC 132E-12-320 Abandonment of position.** An employee who is absent from his position for three consecutive days without notice to the appointing authority may be considered to have abandoned his position. A notice of dismissal shall be sent by certified mail to the last known address of the employee forthwith.

[Order 1-69, § 132E-12-320, filed 1/3/69.]

**WAC 132E-12-323 Disciplinary action.** Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall include but not be limited to: Neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, or gross misconduct.

(1) **Reprimand.** The appointing authority may reprimand an employee for cause. If such reprimand is to be put in writing, it shall be addressed to the employee and a signed copy shall be sent to the director for inclusion in the employee's personnel file. A permanent employee who is reprimanded in this manner may appeal for a hearing in writing to the director within five calendar days of receipt of the reprimand. (Referendum Act, Section 17.)

[Order 1-69, § 132E-12-323, filed 1/3/69.]

**WAC 132E-12-326 Suspension.** The appointing authority may suspend an employee without pay for cause for a period or periods not exceeding thirty calendar days in any one calendar year and not exceeding fifteen calendar days for any single offense. The appointing authority shall notify the employee concerned in writing by certified mail, with a copy to the director, not later than one day after the suspension is made effective. Such notice shall include the specified charges for and the duration of the suspension. Any permanent employee who is suspended shall have the right to appeal to the committee not later than thirty calendar days after the effective date of such action.

[Order 1-69, § 132E-12-326, filed 1/3/69.]

**WAC 132E-12-329 Demotion.** The appointing authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the director at least fifteen calendar

days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the committee not later than thirty calendar days after the effective date of dismissal.

[Order 1-69, § 132E-12-329, filed 1/3/69.]

## APPEALS FROM DISCIPLINARY ACTION

**WAC 132E-12-332 Who may appeal.** Any permanent employee who is suspended, demoted, reduced, or dismissed shall have the right to appeal to the committee not later than thirty days after the effective date of such action. The request for an appeal must be in writing, and must be filed through the director. The committee shall hear such appeals within thirty calendar days of the receipt of such request.

[Order 1-69, § 132E-12-332, filed 1/3/69.]

**WAC 132E-12-335 Procedures for hearing appeals.** The following provisions of sections 18, 19, 20, 21, and 22 of the act govern the conduct of appeal hearings by the committee as well as appellate hearings by civil courts:

Section 18. Hearing on such appeals shall be open to the public, except for cases in which the (committee) determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the (committee). Members of the (committee) may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the (committee). The board shall certify to the superior court the facts of any refusal to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee who shall be furnished therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

Section 19. Within thirty days after the conclusion of the hearing the (committee) shall make and fully record in its permanent records findings of facts, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order

based thereon, which shall be final subject to action by the court on appeal as hereinafter provided at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

Section 20. (1) Within thirty days after the recording of the order and mailing thereof, the employee may appeal to the superior court of Snohomish County on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of facts;

(c) Materially affected by unlawful procedures;

(d) Based on violation of any constitutional provision, or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the (committee) and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice or within such further time as the court may allow, the (committee) shall transmit to the court a certified transcript, with exhibits, of the hearing, but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

Section 21. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in the case of alleged irregularities in procedure before the (committee) not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the (committee), remand the matter for further proceedings before the (committee), or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court from the order of the superior court as in other civil cases.

Section 22. (1) Any employee who is terminated from state service may request the (committee) to place his name on an appropriate reemployment list, and the (committee) shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASI credits.

[Order 1-69, § 132E-12-335, filed 1/3/69.]

Reviser's note: Sections 20 and 21, chapter 1, Laws of 1961 (codified as RCW 41.06.200 and 41.06.210) were amended by section 25, chapter 36, Laws of 1969 ex. sess. and section 101, chapter 81, Laws of 1971, respectively.

## REPRESENTATION AND GRIEVANCES

**WAC 132E-12-338 Agreement between agencies and employee organizations.** State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities.

[Order 1-69, § 132E-12-338, filed 1/3/69.]

**WAC 132E-12-341 Notice of intent by employee organization.** Any labor organization desiring to represent employees must first file with the director of personnel a notice of intent to represent. The notice shall state the organization's name and office address. The organization shall also provide the director of personnel with a copy of its constitution and bylaws.

[Order 1-69, § 132E-12-341, filed 1/3/69.]

**WAC 132E-12-344 Determination of bargaining unit.** Determination, alteration, modification or combination of an appropriate bargaining unit shall be made by the personnel committee upon request from the appointing authority, an employee organization, or upon the committee's own motion, after twenty days' notice has been given to the appointing authority and to affected employees and their representatives.

[Order 1-69, § 132E-12-344, filed 1/3/69.]

**WAC 132E-12-347 Bargaining factors.** In determining a bargaining unit, the committee shall consider the following factors:

(1) Duties, skills and working conditions of the employees;

(2) History of collective bargaining by the employees and their representatives;

(3) Extent of organization among the employees;

(4) Desire of the employees.

[Order 1-69, § 132E-12-347, filed 1/3/69.]

## ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE

**WAC 132E-12-350 Certification by director—Notice of petition.** The director shall certify an employee organization as exclusive representative of the employee of a bargaining unit when such organization shows proof that it represents a majority of such employees and such proof is not validly contested by the appointing authority, the director, or any other interested party.

Prior to certification, the director shall give ten days notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with



WAC 132E-12-353 of these rules and that the validity of the proof of representation of a majority of the employees may be contested. In the event the director does not receive an appropriate request for election nor receives a valid challenge to the proof of majority of representation, he shall immediately certify the employee organization as the exclusive representative of the bargaining unit. If the director receives an appropriate request for election from an employee organization showing proof of representing at least thirty percent of the employees in the bargaining unit, he shall then proceed with the election procedure under rule WAC 132E-12-353. If the director receives proof that the petitioning employee organization does not represent a majority of the employees in the bargaining unit, he shall deny the petition of the employee organization and shall instruct that organization that they may request an election under rule WAC 132E-12-353 if they can meet the conditions of that rule.

[Order 1-69, § 132E-12-350, filed 1/3/69.]

**WAC 132E-12-353 Election of representative organization notice.** The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon written request from an employee organization showing proof of at least thirty percent representation within the unit. Upon granting a request for an election, the director shall give notice thereof and allow ten days for other employee organizations desiring their names placed on the ballot, to show satisfactory proof of at least ten percent representation within the unit.

[Order 1-69, § 132E-12-353, filed 1/3/69.]

**WAC 132E-12-356 Election rules--Ballots.** The director, after consultation with interested employee organizations and the appointing authority, shall promulgate rules for the conduct of the election and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing proof of at least ten percent representation within the unit. The election shall not be held for at least thirty days after the receipt of the request for election. But shall be held within sixty days after the receipt of the request for election.

[Order 1-69, § 132E-12-356, filed 1/3/69.]

**WAC 132E-12-359 Majority of votes required.** An employee organization receiving a majority of all votes cast in such an election shall be certified by the director as the exclusive representative of the employees of the bargaining unit. Only employees in permanent positions within the bargaining unit shall be eligible to vote.

[Order 1-69, § 132E-12-359, filed 1/3/69.]

**WAC 132E-12-362 Representation upon certification.** When an employee organization has been certified as the exclusive representative of the employees of a

bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the appointing authority and may be adjusted by the appointing authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the appointing authority.

[Order 1-69, § 132E-12-362, filed 1/3/69.]

**WAC 132E-12-365 Decertification.** Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a majority of the votes cast in a secret vote of the employees of the bargaining unit, provided twelve months have elapsed since the last certification. The election shall be conducted in accordance with WAC 132E-12-350 and 132E-12-386. No questions concerning representation may be raised within twelve months of an election in a bargaining unit.

[Order 1-69, § 132E-12-365, filed 1/3/69.]

#### Contents of written agreements

**WAC 132E-12-368 Personnel matters.** Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

[Order 1-69, § 132E-12-368, filed 1/3/69.]

**WAC 132E-12-371 Grievance procedure.** Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and may provide for binding arbitration by the committee.

[Order 1-69, § 132E-12-371, filed 1/3/69.]

**WAC 132E-12-374 Payroll deduction.** Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member. An employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty days prior to the effective date of such cancellation.

[Order 1-69, § 132E-12-374, filed 1/3/69.]

**WAC 132E-12-377 Contract duration.** Written agreements shall be for a minimum of one year in duration, shall not exceed three years, and may contain provisions respecting automatic renewal.

[Order 1-69, § 132E-12-377, filed 1/3/69.]

**WAC 132E-12-380 Filing--Conflict with Civil Service Act.** Written agreements shall be filed with the director. Provisions of such agreements shall not prevail

if in conflict with the civil service rules or the state civil service law.

[Order 1-69, § 132E-12-380, filed 1/3/69.]

**WAC 132E-12-383 Conferences on disputes.** If agreement cannot be reached within a reasonable time in negotiations between the appointing authority and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director, who shall confer with both parties in an effort to resolve such dispute.

[Order 1-69, § 132E-12-383, filed 1/3/69.]

**WAC 132E-12-386 Hearing on disputes.** If the director is unable to resolve the dispute, the appointing authority or the certified exclusive representative may submit such dispute to the committee. The committee shall hold a hearing in the same manner as provided for appeals from demotions, suspensions and dismissals, and the decision of the committee shall be final and binding.

[Order 1-69, § 132E-12-386, filed 1/3/69.]

#### SERVICE RATINGS AND TRAINING

**WAC 132E-12-389 Service ratings.** The director may in cooperation with the appointing authority, provide for the rating of the service performance of employees in the classified staff service. Such service ratings shall be made in such manner and upon such forms as the director may prescribe and may be used as a means of evaluating the employee's performance.

[Order 1-69, § 132E-12-389, filed 1/3/69.]

**WAC 132E-12-392 Education and training.** An employee may enroll in course work not to exceed six credit hours during any one quarter, with the approval of his appointing authority and the director. Participating employees must meet regular academic and admissions regulations and are subject to fee schedules established by the board.

[Order 1-69, § 132E-12-392, filed 1/3/69.]

**WAC 132E-12-395 Outside course work.** An employee who has completed his probationary period may enroll in course work of his choice, to be taken outside of working hours or with an adjusted schedule of working hours and compensation.

[Order 1-69, § 132E-12-395, filed 1/3/69.]

**WAC 132E-12-398 Classes during working hours—Compensation—Authorization.** An employee may enroll in course work judged to be directly related to improvement of the effectiveness of the employee's work with the approval or at the request of his appointing authority and the director. Classes for such work may be attended during normal working hours without adjustment of compensation, but if such classes do not occur during normal working hours, compensating time off duty will not be allowed for class hours attended. Such course

work must be taken for credit and a satisfactory grade point average maintained.

[Order 1-69, § 132E-12-398, filed 1/3/69.]

**WAC 132E-12-401 Special training programs.** Special training programs may be conducted to improve employees' service and to assist employees to enhance their opportunities for promotion. Such programs may be offered during the normal working hours and the participating employee may attend the sessions without adjustment of compensation. This program shall be available to all classified employees on an equal basis.

[Order 1-69, § 132E-12-401, filed 1/3/69.]

#### PROHIBITIONS AND PENALTIES

**WAC 132E-12-404 Political activity.** Solicitation for or payment to any partisan, political organization, or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

Employees shall have the right to vote and express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

[Order 1-69, § 132E-12-404, filed 1/3/69.]

**WAC 132E-12-407 Outside employment.** No employee in the classified staff service shall undertake employment other than his position in the classified staff service if such employment brings discredit to the institution or has an adverse effect upon the employee's performance of his duty.

[Order 1-69, § 132E-12-407, filed 1/3/69.]

#### General prohibition

**WAC 132E-12-410 False statements—Fraud.** No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of the act or these rules, or in any manner commit any fraud preventing the impartial execution of the act and these rules.

[Order 1-69, § 132E-12-410, filed 1/3/69.]

**WAC 132E-12-413 Bribery.** No person seeking appointment to or promotion in the classified staff service shall give, render or pay any money, service or any other

valuable thing to any person in connection with his test, appointment or promotion.

[Order 1-69, § 132E-12-413, filed 1/3/69.]

**WAC 132E-12-416 Interference by officials.** No employee of the director, examiner, or other person shall defeat, deceive, or obstruct any person in his right to his examination, eligibility, certification or appointment under the act and these rules or furnish to any person any special or privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified staff service.

[Order 1-69, § 132E-12-416, filed 1/3/69.]

**WAC 132E-12-419 Penalties.** Any person who willfully violates any of the provisions of the act or these rules shall be subject to dismissal and such other punishment as may be provided by law.

[Order 1-69, § 132E-12-419, filed 1/3/69.]

**WAC 132E-12-422 Discrimination.** No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations of any applicant, and all disclosures thereof shall be discounted. No discrimination shall be exercised, threatened or promised by any employee or appointing authority against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations or of his race. No discrimination shall be exercised because of the age or sex of any applicant, eligible or employee.

[Order 1-69, § 132E-12-422, filed 1/3/69.]

## RECORDS AND REPORTS

**WAC 132E-12-425 Personnel records.** The office of the director shall be the central depository of all such personnel files as the director deems necessary and as are required by the act and these rules.

[Order 1-69, § 132E-12-425, filed 1/3/69.]

**WAC 132E-12-428 Roster.** The director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class title, the organizational unit assignment, salary rate, date of employment, employment history, and other such employment data as he deems pertinent.

[Order 1-69, § 132E-12-428, filed 1/3/69.]

**WAC 132E-12-431 Reports to the personnel director.** Every appointment, transfer, termination, promotion, demotion, dismissal, leave of absence, change of salary rate, and other temporary or permanent change in the status of employees in the classified staff service, shall be reported to the office of the director in writing. The director is authorized to prescribe the time, manner, form, and method of making any written report that may be stipulated in any of these rules.

(1986 Ed.)

[Order 1-69, § 132E-12-431, filed 1/3/69.]

**WAC 132E-12-434 Public records.** Records of the office of the director, such as examination, personal history, and other papers, disclosure of which could render harm to the employee without serving a necessary and useful purpose, shall be considered confidential. The use of such documents will be specified by the director. Such records of the office as may be defined by law as public records shall be open to inspection by legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with which procedures as the director may provide.

[Order 1-69, § 132E-12-434, filed 1/3/69.]

## Chapter 132E-16 WAC TRAFFIC REGULATIONS OF EVERETT COMMUNITY COLLEGE

### WAC

- 132E-16-001 Objectives of traffic rules and regulations.
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- 132E-16-310 Delegations of authority.
- 132E-16-320 Tourists and visitors—Exemption from permit requirements.
- 132E-16-330 Visitors and guests.
- 132E-16-340 Adoption.

**WAC 132E-16-001 Objectives of traffic rules and regulations.** (1) To protect and control pedestrian and vehicular traffic;

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

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(3) To minimize traffic disturbance during class hours;

(4) To facilitate the work of the college by assuring access to its vehicles and to assign the limited parking space for the most efficient use.

[Order 1969-2, § 132E-16-001, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-005 Applicable traffic rules and regulations--Areas affected.** The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of Everett Community College are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington shall be applicable upon all lands located within the state of Washington.

(2) The traffic code of Everett, Washington, and Snohomish County shall also be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of Everett Community College.

[Order 1969-2, § 132E-16-005, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-010 Permits required for vehicles on campus.** All students, faculty members, administrative staff members and employees using motor vehicles for transportation to and from Everett Community College are required to register their vehicles and must park said vehicle on campus.

Except as provided in WAC 132E-16-015 and 132E-16-090 of these regulations, no person shall drive any vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of Everett Community College without a permit issued by the security department.

(1) Permission to drive on campus or to park thereon will be shown by display of a valid permit issued by the security department.

(2) A valid permit is:

(a) An unexpired parking decal properly registered and displayed in accordance with instructions; or

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

(c) A parking permit issued by a security department attendant, which must be displayed on the vehicle in accordance with instructions.

(3) Parking permits are not transferable.

[Order 1969-2, § 132E-16-010, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-020 Speed.** (1) No vehicle shall be operated on the campus at a speed in excess of ten miles per hour or such lower speed as is reasonable and prudent in the circumstances.

(2) No vehicle of any type shall at any time use the campus and/or lands devoted to educational, research, recreational or parking for Everett Community College, for testing, racing or other activities deemed unlawful.

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[Order 1969-2, § 132E-16-020, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-030 Regulatory signs and directions.** Drivers of vehicles shall obey regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the security department in the control and regulation of traffic.

[Order 1969-2, § 132E-16-030, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-040 Pedestrians--Right of way.** (1) The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield to any pedestrian crossing any street or roadway within a crosswalk, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross a crosswalk, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(3) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right of way to all vehicles upon the street or roadway.

(4) Pedestrian traffic on a street or roadway where a sidewalk is provided shall proceed upon such a sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway, facing oncoming traffic, and upon meeting an oncoming vehicle shall stop to their left and clear of the street or roadway.

[Order 1969-2, § 132E-16-040, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-050 Parking--Permits required.** (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking area.

(2) No vehicle shall be parked in any parking area without a permit for that area, except as provided in section 12 of these regulations.

(3) All student, faculty and staff members are required to obtain a decal or permit for each vehicle and display it in the proper manner.

[Order 1969-2, § 132E-16-050, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-060 Parking within designated spaces.** No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

[Order 1969-2, § 132E-16-060, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-070 Disabled and inoperative vehicles—Impounding.** No disabled or inoperative vehicle shall be parked on the campus for a period in excess of forty-eight hours. Vehicles which have been parked for periods in excess of forty-eight hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

[Order 1969-2, § 132E-16-070, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-080 Exceptions from traffic and parking restrictions.** WAC 132E-16-101 and 132E-16-050 of these rules and regulations shall not apply to the drivers of city, county or state-owned vehicles.

[Order 1969-2, § 132E-16-080, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-090 Special traffic and parking regulations and restrictions authorized.** Upon special occasions causing additional heavy traffic and during emergencies, the security department is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives in WAC 132E-16-001 of these regulations.

[Order 1969-2, § 132E-16-090, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-100 Authorization for issuance of permits.** The security department is authorized to issue permits to drive or park upon the campus to faculty members, administrative personnel, staff, students, guests, and visitors of the college pursuant to the provisions of WAC 132E-16-200 of these regulations.

[Order 1969-2, § 132E-16-100, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-110 Number of parking areas.** The director of the security division is authorized to designate and mark the various parking areas on campus with numbers or letters by the posting of signs in these areas.

[Order 1969-2, § 132E-16-110, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-120 Allocation of parking space.** The parking space available on the campus shall be allocated by the security department among applicants for permits in such manner as will best effectuate the objectives of these regulations.

(1) Faculty and staff spaces will be so designated for their use.

(2) The upper lot permits shall be issued on a first come first served basis in accordance with cumulative credit hours earned.

(3) Physically handicapped persons will be given priority whenever possible to park in close proximity to offices or classrooms.

[Order 1969-2, § 132E-16-120, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-130 Permit revocation.** (1) Permits are the property of the college and may be recalled by the dean of students for any of the following reasons:

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

(b) When a permit is used by an unregistered vehicle or by an unauthorized individual.

(c) Falsification on a parking permit application.

(d) Continued violations of parking regulations.

(e) Counterfeiting or altering of stickers.

(f) When it is in the best interest of the college.

[Order 1969-2, § 132E-16-130, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-140 Duplicate permits for faculty and staff personnel.** Full-time faculty and staff personnel may apply on a separate application for a second car permit without charge.

[Order 1969-2, § 132E-16-140, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-150 Faculty and staff permit periods.** All faculty and staff will park on a permit basis; i.e., either annually or quarterly. Annual permits will be payable in full September 15 of each year. Permits will be valid 24 hours a day, seven days a week. Permits will be three dollars per quarter for parking in reserved areas.

[Order 1969-2, § 132E-16-150, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-160 Fees for permits for student upper lot parking.** A three dollar per quarter parking fee will be charged for all student vehicles in the upper lot during the daytime hours, 7 a.m. to 5 p.m.

[Order 1969-2, § 132E-16-160, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-170 Payment for parking permits.** Payment for parking permits must be made by cash or check directly to the business office.

[Order 1969-2, § 132E-16-170, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-180 Display of permits.** The permit must be displayed as per direction on the inside of the windshield. The designation tag shall be placed beside the regular permit on the inside of the windshield lower left hand corner as viewed from inside the vehicle. Expired permits or area designation stickers shall be removed before the new permit and designation sticker are attached. Permits and area designation stickers not displayed in accordance with the provisions of this section shall not be valid.

[Order 1969-2, § 132E-16-180, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-190 Responsibility of person to whom permit issued.** The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these rules and regulations involving

the vehicle for which the permit was issued and to which it was affixed, provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations.

[Order 1969-2, § 132E-16-190, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-200 Issuance of parking permits.** The payment for parking permits shall be as noted in WAC 132E-16-170. The issuance of all permits will be supervised by the security office. The applicant must present the registration for the vehicle for which a permit is desired.

[Order 1969-2, § 132E-16-200, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-210 Location of parking areas.** The upper lot is located south of the administration building (Olympus Hall). Parking in this lot is on a fee basis. The lower lots are located east of the campus and can be reached by Broadway or Highway 99. A lot is maintained at the physical education plant on Thirteenth Street, just east of Wetmore. All students must park in one of these designated areas.

[Order 1969-2, § 132E-16-210, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-220 Procedure--Issuance of summons--Traffic tickets.** Upon violation of any of these regulations an officer of the security department may issue a summons or traffic ticket setting forth the date, the approximate time, the locality, and the nature of the violation. Such summons may be served by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, or by placing a copy thereof in some prominent place outside such vehicle, or by personally serving the operator.

[Order 1969-2, § 132E-16-220, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-230 Grievance proceedings--Bond for appearance--Date of hearing.** (1) The summons or traffic ticket issued pursuant to WAC 132E-16-220 and 132E-16-240 of these regulations shall direct the alleged violator to appear at the business office within forty-eight hours.

(2) All appeals on traffic violations (tickets) may go through the following procedure: Security officer, dean of students, disciplinary committee and the college president.

(3) The dean of students, upon receipt of the student's written grievance, will arrange time and place to discuss the violation with the student.

(4) A representative of the security department may be present when violators are brought before the dean of students.

[Order 1969-2, § 132E-16-230, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

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**WAC 132E-16-240 Fines and penalties.** The fines or penalties to be assessed for violations of these regulations shall be as follows:

(1) A fine of \$2.00 will be levied for all violations on campus and for unauthorized parking in restricted areas.

(2) All violators who fail to report within a forty-eight hour period on a violation will be subject to a fine of \$4.00.

(3) A student who has an accumulation of traffic violations will be referred to the dean of students, and if necessary, to the disciplinary committee for further action.

[Order 1969-2, § 132E-16-240, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-250 Mitigation and suspension of penalties.** Upon the showing of good cause or mitigating circumstances, the dean of students may impose any lesser fine or penalty than those established in WAC 132E-16-240 of these regulations, or may grant an extension of time within which to comply.

[Order 1969-2, § 132E-16-250, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-260 Enforcement of determination of the dean of students.** In the event a student fails or refuses to comply with the determination of the dean of students, such student shall not be eligible to register for additional courses, to obtain a transcript of his grades or credits, or to receive a degree until he has paid or otherwise complied with the determination.

[Order 1969-2, § 132E-16-260, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-270 Regulatory signs, markings, barricades, etc.** The security department is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Everett Community College. Such signs, barricades, structures, marking and directions shall be so made and placed as in the opinion of the security department will best effectuate the objectives stated in section I of regulations.

[Order 1969-2, § 132E-16-270, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-280 Impounding of vehicles.** Any vehicle parked upon state lands devoted mainly to the educational purposes of Everett Community College in violation of these regulations including the motor vehicle and other traffic laws of the state of Washington, and the traffic code of the city of Everett as incorporated in WAC 132E-16-005, may be impounded and taken to such place for storage as the security officer selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him 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 storage.

[Order 1969-2, § 132E-16-280, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-290 Accidents, must report.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of any amount, shall within twenty-four hours after such accident make a written report thereof to the security office on forms to be furnished by said office. This does not relieve any person so involved in an accident from their responsibility to file a state of Washington motor vehicle accident report.

[Order 1969-2, § 132E-16-290, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-300 Two-wheeled motor bikes or bicycles.** (1) All two-wheeled vehicles empowered by motor or foot shall park in a space designated by the security office.

(2) No vehicle shall be ridden on the sidewalks on campus at any time.

[Order 1969-2, § 132E-16-300, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-310 Delegations of authority.** The authority and powers conferred upon the vice president for business and finance by these regulations shall be subject to delegation by him to his subordinates.

[Order 1969-2, § 132E-16-310, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-320 Tourists and visitors--Exemption from permit requirements.** The security department may allow tourists and visitors without permits to drive through the campus without parking, provided, however, that said parties may be required to wait at the entrance to the campus during the time at which classes change.

[Order 1969-2, § 132E-16-320, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-330 Visitors and guests.** (1) All visitors and guests, salesmen, maintenance or service personnel and all other members of the public who are not college employees or students, will park in available space as directed by the security department.

(a) Members of the board of trustees and others designated by the college may be given complimentary annual permits.

(b) Federal, state, county, city and school district personnel on official business and in vehicles with tax exempt licenses will be allowed to park in designated areas.

(c) Vehicles owned by contractors and their employees working on campus construction will be parked in designated areas. A special permit shall be issued for each vehicle so parking.

(d) Visiting academic or administrative personnel from other colleges or universities and guest speakers will be parked, as far as possible, in a visitors section.

Responsibility for making parking arrangements for guests will rest with the sponsoring department.

(1986 Ed.)

(e) Members of the press, television and radio on official business will park in designated areas.

(2) Special permits.

(a) A special parking permit will be issued to those using a car on a temporary basis.

(b) The security department will assist college departments which sponsor functions such as conferences, seminars, dinners, and similar events in arranging reserved parking. Advance notice must be given in writing to the security department.

[Order 1969-2, § 132E-16-330, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

**WAC 132E-16-340 Adoption.** The board of trustees of the Community College District No. 5 acting for the Everett Community College, find that the immediate adoption of the foregoing traffic regulations of Everett Community College is necessary for the preservation of public safety and general welfare. The observance of the requirements of notice and opportunity to present views on the proposed traffic regulations would be contrary to the public interest, therefore, the board adopts the traffic regulations as an emergency rule. The reason for the finding is that due to an oversight, notice and hearing on the regulations were not regularly scheduled and it is imperative that regulations be in effect for 90 days to provide time for notice and hearing. That regulations are necessary for the safety of the students and other users of the Everett Community College campus and for the safety of the general public and the general welfare of the public and property owners adjacent or near to the campus of the Everett Community College.

[Order 1969-2, § 132E-16-340, filed 2/3/69; Emergency Orders, filed 2/3/69, 11/21/68.]

## Chapter 132E-112 WAC

### PROCEDURES FOR ADMINISTERING THE PROFESSIONAL NEGOTIATIONS LAW FOR COMMUNITY COLLEGE DISTRICT V

#### WAC

- 132E-112-010 Academic employees--Elections and recognition--Procedures--Purpose.
- 132E-112-020 Definitions.
- 132E-112-030 Request for election--Canvass of academic employees by independent and neutral person or association.
- 132E-112-040 Notice of election--Organization to be included on ballot--Time for filing.
- 132E-112-050 Contents of notice of election--Designation of chief election officer--Duties.
- 132E-112-060 List of academic employees--Posting of list.
- 132E-112-070 Election inspectors--Duties--Right to challenge voter--Improper conduct.
- 132E-112-080 Ballots.
- 132E-112-090 Record of vote--Signature--Challenge.
- 132E-112-100 Incorrectly marked ballot.
- 132E-112-110 Privacy for voter--Equipment.
- 132E-112-120 Folding ballot--Ballot box.
- 132E-112-130 Challenged ballot--Procedure.
- 132E-112-140 Employees present entitled to vote--Sealing ballot box--Unused ballots.
- 132E-112-150 Absentee voting.
- 132E-112-160 Election inspector's duties after voting has terminated.

- 132E-112-170 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.
- 132E-112-180 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
- 132E-112-190 Electioneering within the polls forbidden.
- 132E-112-200 Contest of election—Time for filing objections—Investigation of objections.
- 132E-112-210 Persons eligible to vote—Definition of "academic employee."
- 132E-112-220 Election determined by majority of valid votes cast—Run-off election.
- 132E-112-230 Time lapse for new election.

**WAC 132E-112-010 Academic employees—Elections and recognition—Procedures—Purpose.** The board of trustees of Community College District No. 5 proposes the adoption of policies for the administration of chapter 196, Laws of 1971 1st ex. sess. which has as its purpose the strengthening of methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the community college district by which they are employed. Therefore, the board of trustees of Community College District No. 5 adopts reasonable rules and regulations for the administration of employer-employee relations under this chapter.

[Order 72-1, § 132E-112-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-020 Definitions.** "Employee organization" means any organization which includes as members the academic employees of Community College District No. 5 and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, division head, or administrator, who is employed by Community College District No. 5, with the exception of the chief administrative officer of the community college district.

[Order 72-1, § 132E-112-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-030 Request for election—Canvass of academic employees by independent and neutral person or association.** Any organization, which includes as members academic employees of Community College District No. 5 desiring to be recognized as the majority organization representing such employees pursuant to chapter 196, Laws of 1971 1st ex. sess. shall request in writing to the board of trustees of Community College District No. 5 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the act. Upon the receipt of such a request the board of trustees of Community College District No. 5 will request some independent and neutral person or association to determine whether thirty percent or more of the academic employees of Community College District No. 5 have indicated that they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues, paying membership, signed authorizations to represent, or other reliable and

relevant evidence: *Provided*, That any request for an election in a given academic year under this section must be made prior to the 1st day of February. Requests made after the 1st day of February shall be considered as being requests for an election to be held in the subsequent academic year.

[Order 72-1, § 132E-112-030, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-040 Notice of election—Organization to be included on ballot—Time for filing.** If the independent and neutral person or association determines that thirty percent or more of the academic employees of Community College District No. 5 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 5 will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District No. 5 desire the requesting organization or any other organization to represent them for the purposes of chapter 196, Laws of 1971 1st ex. sess. Such notice shall be published in the campus newspaper of the institutions involved and in a newspaper of general circulation in the area, in a reasonable period of time preceding the election. Any other organization of academic employees desiring to be designated as the majority organization representing such employees shall, within seven days after publication of such notice by the board of trustees of Community College District No. 5, file with the board of trustees a request in writing that its name be included on the ballot in the election to be held. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received by the district president within seven workdays after the publication of the notice that an election will be held. Such organization must accompany the request for placement on the ballot by written proof of at least ten percent representation of the academic employees within the district.

[Order 72-1, § 132E-112-040, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-050 Contents of notice of election—Designation of chief election officer—Duties.** The notice published by the board of trustees of Community College District No. 5 pursuant to WAC 132E-112-040 shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election, appointed by the board of trustees of Community College District No. 5, and charged with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules.

[Order 72-1, § 132E-112-050, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-060 List of academic employees—Posting of list.** In any election conducted pursuant to these rules, lists of academic employees eligible to vote shall be prepared by the board of trustees listing academic employees by voting places. Such lists shall be posted at least 48 hours before the election. Such lists



shall be for informational purposes and shall not be conclusive as to the right of an academic employee to vote in the election.

[Order 72-1, § 132E-112-060, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-070 Election inspectors--Duties--Right to challenge voter--Improper conduct.** The election officer shall designate at least one inspector for each polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the college district office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge the ballot of that person shall be treated as provided in these rules. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the results of the voting at the polling place at which they serve as observers.

[Order 72-1, § 132E-112-070, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-080 Ballots.** The ballots used in any election held pursuant to this part shall be in the following form:

To select for representation purposes pursuant to chapter 196, Laws of 1971 1st ex. sess., a majority organization to represent academic employees of Community College District No. 5

	Vote for one
Organization X	-----
Organization Y	-----
No Organization	-----

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark your ballot you may obtain a new ballot by returning the incorrectly marked ballot to the election inspector.

[Order 72-1, § 132E-112-080, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-090 Record of vote--Signature--Challenge.** At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting list for the polling place at which he votes. Each academic employee may cast only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge to his right to cast a ballot in an election.

[Order 72-1, § 132E-112-090, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-100 Incorrectly marked ballot.** Any voter who incorrectly marks his ballot may obtain a

new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter.

[Order 72-1, § 132E-112-100, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-110 Privacy for voter--Equipment.** Voters shall be provided with tables or desks so arranged that a voter may make his ballot without making it possible for other persons to observe the manner in which he has marked it.

[Order 72-1, § 132E-112-110, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-120 Folding ballot--Ballot box.** Each voter shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked box provided at the designated voting place.

[Order 72-1, § 132E-112-120, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-130 Challenged ballot--Procedure.** A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall then be placed in another envelope upon which shall be written the name of the employee desiring to cast the ballot, the reasons for which the ballot was challenged, by whom it was challenged, and the polling place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

[Order 72-1, § 132E-112-130, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-140 Employees present entitled to vote--Sealing ballot box--Unused ballots.** At the time for closing the polls, all employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

[Order 72-1, § 132E-112-140, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-150 Absentee voting.** (1) Any person eligible to vote as provided in WAC 132E-112-210 and who is unable to be present on the election date due to illness, sabbatical leave, or other leave as authorized by the board of trustees of Community College District No. 5, may vote by absentee ballot as provided in subsection (2): *Provided*, That such persons requesting to vote by absentee ballot shall carry the burden of establishing their eligibility due to illness, sabbatical leave, or other leave as authorized by the board of trustees of Community College District No. 5.

(2)(a) Persons desiring to vote by absentee ballot shall submit their request to the president of Community College District No. 5 at least ten calendar days prior to the election dated.

(b) Absentee ballots must be postmarked no later than midnight of the day prior to the election date.

[Order 72-1, § 132E-112-150, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-160 Election inspector's duties after voting has terminated.** When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the community college district office the following:

- (1) Signed voting list of eligible academic employees;
- (2) All unused ballots;
- (3) All challenged ballots; and
- (4) The sealed ballot box containing all ballots cast.

[Order 72-1, § 132E-112-160, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-170 Disposition of challenged ballots--Tally sheets--Investigation by chief election officer.** The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the chief election officer. The challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballots shall be counted as cast.

[Order 72-1, § 132E-112-170, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-180 Counting of ballots--Procedure--Certification of results of election--Retention of ballots--Signed voting lists.** When ballots boxes from all voting places have been received by the chief election officer's inspector, he shall open them and thoroughly mix all ballots cast so that it is impossible to identify the polling place from which any particular ballot came. The ballots cast shall be separated into the categories as they have been cast for organizations participating in the election, for no organization, and void ballots which are unintelligible or for an organization not participating in the election. The ballots in these categories shall be counted by the chief election officer with the assistance of such of his election inspectors as shall be necessary in the presence of the inspectors for the organizations participating in the election. After the ballots have been so counted the inspector designated by the organizations to serve at the community college district office shall indicate by his signature upon the tally sheet that he agrees with the count made, or in case of disagreement, he shall write a short statement of his grounds for disagreement with the count. The chief election officer shall certify to the board of trustees the results of the election within forty-eight hours after the polls have been closed. The used ballots, the unused ballots, the challenged ballots, and the signed voting lists of eligible academic employees shall be kept by the chief election officer or some person designated by him for one year after the election.

[Order 72-1, § 132E-112-180, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-190 Electioneering within the polls forbidden.** No election signs, banners, or buttons shall be

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permitted in the room in which the balloting takes place, nor shall any person in that room engage in any other form of electioneering.

[Order 72-1, § 132E-112-190, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-200 Contest of election--Time for filing objections--Investigation of objections.** Any organization, the name of which appears on the ballot, or any academic employee may within five work days after the certification of the results of an election under the provisions of this part, file objections to the conduct of the election with the chief election officer designated by the board of trustees pursuant to WAC 132E-112-050 of this part. The chief election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the board of trustees. If the board of trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

[Order 72-1, § 132E-112-200, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-210 Persons eligible to vote--Definition of "academic employee."** All academic employees of Community College District No. 5 shall be eligible to vote pursuant to WAC 132E-112-010 through 132E-112-230 who are employed at the time of the election provided for by such rules and who:

- (1) Are employed on a full-time basis; or
- (2) If employed on a part-time basis, have been employed as an academic employee of the district for at least three out of the last five quarters (i.e. fall, winter, spring, or summer quarter) during either the current or previous academic year. "Academic employee" shall mean any teacher, counselor, librarian, or department head, division head, or administrator, who is employed by Community College District No. 5, with the exception of the chief administrative officer of the district.

[Order 72-1, § 132E-112-210, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-220 Election determined by majority of valid votes cast--Run-off election.** An organization of academic employees which receives a majority of the valid votes cast in an election held in accordance with the rules of this part shall be recognized as representing the academic employees of Community College District No. 5 pursuant to chapter 196, Laws of 1971 1st ex. sess. If more than one organization of academic employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot.

[Order 72-1, § 132E-112-220, filed 2/1/73, effective 3/9/73.]

**WAC 132E-112-230 Time lapse for new election.** If no organization of academic employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of two years from the date of the certification of the results of the earlier election. If an organization of academic employees is selected as the recognized employee organization in an election held pursuant to these rules, another election shall not be held until the lapse of two years from the date of the certification of the results of the earlier election.

[Order 72-1, § 132E-112-230, filed 2/1/73, effective 3/9/73.]

### Chapter 132E-120 WAC STUDENT CONDUCT CODES

#### WAC

- 132E-120-010 Everett Community College—Student conduct code—Statement of purpose.
- 132E-120-020 Everett Community College—General policies.
- 132E-120-030 Everett Community College—Violations.
- 132E-120-040 Everett Community College—Sanctions.
- 132E-120-050 Edmonds Community College student rights and responsibilities code—Purpose.
- 132E-120-060 Edmonds Community College student rights and responsibilities code—Student freedoms.
- 132E-120-070 Edmonds Community College student rights and responsibilities code—Student responsibilities.
- 132E-120-080 Edmonds Community College student rights and responsibilities code—Disciplinary procedures.

**WAC 132E-120-010 Everett Community College—Student conduct code—Statement of purpose.** Everett Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies governing student conduct that encourage independence and maturity.

[Order 72-1, § 132E-120-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-020 Everett Community College—General policies.** (1) Everett Community College distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a law of the community, the state, or the nation, the college will not request or agree to special consideration for the student because of his status as a student. The college will cooperate fully, however, with law enforcement agencies, and with other agencies in any program for the rehabilitation of the student. Ordinarily, the college will not impose further sanctions after law enforcement agencies or the courts have disposed of a case.

(2) Everett Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's

(a) Primary educational responsibility of ensuring the opportunity of all members of the college's community to attain their educational objectives, or

(b) Subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records and other services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions.

(3) Procedural fairness is basic to the proper enforcement of all college rules. In particular, no disciplinary sanction as serious as expulsion, suspension or disciplinary probation shall be imposed unless the student has been notified in writing of the charges against him and has had an opportunity

(a) To appear alone or with any other person to advise and assist him before an appropriate committee, court, or official,

(b) To know the nature and source of the evidence against him and to present evidence in his own behalf, and

(c) To have his case reviewed by the faculty-student disciplinary committee.

(4) Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct.

(5) Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including like penalties for like violation.

[Order 72-1, § 132E-120-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-030 Everett Community College—Violations.** (1) No sanction or other disciplinary action shall be imposed on a student by or in the name of the college except in accordance with this code.

(2) Expulsion or suspension from the Everett Community College or any lesser sanction may result from the commission of any of these offenses.

(a) Academic cheating or plagiarism.

(b) Furnishing false information to the college with intent to deceive.

(c) Forgery, alteration, or misuse of college documents, records or identification cards.

(d) Physical abuse of another person in the college community on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations.

(e) Theft or conversion of another's property occurring under the conditions of WAC 132E-120-020(2).

(f) Lewd or indecent conduct occurring under the conditions of WAC 132E-120-020(2).

(g) Furnishing alcoholic beverages without authorization and proper licenses or illegal drugs on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations.

(h) Two or more (or the repetition of) offenses listed in paragraph (3) below.

(3) Disciplinary probation or any lesser sanction may result from the commission of any of the following offenses.

(a) Possession or consumption of alcoholic beverages except at authorized and properly licensed functions while on property owned or controlled by the college or

at functions sponsored or supervised by the college or its student organizations.

(b) Possession or consumption of drugs or narcotics (identified as prohibited by federal law) on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations.

(c) Disorderly conduct, including disorderly conduct resulting from drunkenness or drug influence, occurring under the conditions of WAC 132E-120-020(2).

(d) Gambling on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations.

(e) Violation of any college rule approved by the student conduct committee for the infraction of which sanctions may be imposed under this code.

[Order 76-11-1, § 132E-120-030, filed 12/17/76; Order 72-1, § 132E-120-030, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-040 Everett Community College--Sanctions.** (1) Sanctions which may be imposed for the commission of college offenses shall include the following.

(a) Expulsion from Everett Community College.

(b) Suspension from Everett Community College for a definite or indefinite period of time.

(c) Disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any college rule during the period of disciplinary probation may be grounds for suspension or expulsion from the college. The parents of any student under 18 years of age who is placed on disciplinary probation, suspended, or expelled shall be so notified.

(d) Admonition and warning.

(2) The sanctions of expulsion or suspension shall not be imposed except upon proper determination by the disciplinary committee.

[Order 72-1, § 132E-120-040, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-050 Edmonds Community College student rights and responsibilities code--Purpose.** (1) **Philosophy of the college.** Edmonds Community College believes that the preservation of our free enterprise system and democratic processes requires the active participation of an educated citizenry. Radical change and continued growth in the fields of human relations, technology, and professions, and industry make imperative the provisions for higher levels of education.

With excellence as its standard, college education must be designed to fit the needs of the individual. The goal of Edmonds Community College, therefore, is to assist and guide each person to a higher level of knowledge, understanding, and self-fulfillment.

Edmonds Community College dedicates itself to meeting these challenges. The college strives to fulfill its goals by providing a comprehensive curriculum, a program of student activities, and cultural activities to serve the community.

(2) **Participation.** Sharing goals held in common, the students, faculty, and staff of Edmonds Community

College are joined in voluntary association in an education community. Their purpose is "to assist and guide each person to a higher level of knowledge, understanding, and self-fulfillment."

To assure concert and meaningful involvement, students have the opportunity to participate fully in the formulation of all policies, rules, and procedures in this document of student rights, freedoms, and responsibilities.

(3) **Student citizenship.** The student is, first of all, a member of the community at large, and as such is entitled to the rights and responsibilities of any citizen.

Students, moreover, are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility of assisting students in gaining an understanding of the law in a democratic society.

Admission to the college carries with it the expectation that the students will conduct themselves as responsible members of the college community as well, that he/she will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community, and will not interrupt regular college activities and programs.

Normally, the authority of the college for student behavior is restricted to the campus and to activities sponsored or conducted by the college away from campus. However, the authority of the college may be extended into the greater community when the behavior of the student or students clearly and distinctly affects or involves the interests of the college.

(4) **Educational environment.** An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and freedoms in this document are critical ingredients in the free, creative, and spirited education environment to which the students, faculty and staff of Edmonds Community College are committed.

[Order 74-1, § 132E-120-050, filed 3/12/74, effective 4/15/74.]

**WAC 132E-120-060 Edmonds Community College student rights and responsibilities code--Student freedoms.** (1) **Freedom of access to higher education.** The policy adopted by the state board for community college education insures that any person who wishes to enroll in a Washington state community college will be admitted if the student is able to profit from the curricular offerings of the college, provided that such admission is not inconsistent with the best interests of the applicant, other students, the orderly operation of the college, and that space is available.

Within these provisions, Edmonds Community College operates an "open door" admissions policy. Persons over 18 years of age, or who are high school graduates, are eligible for admission. Persons under 18 years of age

who are not high school graduates will be considered on an individual basis.

(2) **Protection of freedom of expression and inquiry.** Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community will always be free to express their views or support causes by any orderly means which do not disrupt the regular and essential operation of the college, or create an atmosphere which is contrary to educational goals.

In the classroom, the student is free to take exception to the information or views offered in the course of study and to reserve judgment about matters of opinion, but he/she is responsible for learning the content of the course.

Students and student organizations are free to examine and discuss all questions of interest to them, and to express public opinions individually and collectively.

The faculty and staff of Edmonds Community College are committed to the guarantee of educational freedoms set forth by the board of trustees, namely:

We have a special obligation to vigorously promote the freedoms provided by the democratic processes of our free society. We conceive that central to its very existence is full and free discussion of the controversial issues of our time conducted in a responsible manner. We believe that freedom of speech and assembly requires providing a forum wherein students may develop their thoughts and their convictions.

— January 31, 1969.

In support of the foregoing, specific policies regarding college speakers, and publication and distribution of printed materials, have also been formulated and made a part of this document.

(3) **Protections regarding academic evaluation.** Students will be protected through orderly procedures against prejudiced or capricious academic evaluation. Those who wish to challenge specific treatment or a grade in a class may request an interview with the instructor of the course. Failing satisfaction at this level, the student then takes the matter to the division chairman, who may consult with the instructor and adjudicate the matter. Or, failing satisfaction at this level, the student may refer the complaint to the dean of instruction.

(4) **Protection against improper disclosure, and of confidentiality of teacher-student relationships.** Information about student views, beliefs, and political associations which instructors acquire in the course of their work as advisors, teachers, and counselors is confidential, and protection against improper disclosure is a serious obligation. Judgments of ability and character may be provided only under appropriate circumstances, with the knowledge and consent of the student. Complaints should be filed with the dean of instruction.

(5) **Freedom of association and organization.** Students are free to organize and join associations to promote their common interests, provided such organizations are

not inimical to the educational goals of the college community. Procedures for establishment, maintenance, and financial management of student organizations and their use of college facilities, will be established by the director of student activities and the ASEDCC government.

Campus organizations are open to all students without respect to sex, race, creed, or national origin.

Advisers to student organizations will serve only as advisers, responsible primarily for coordination and financial surveillance, and do not exert prior control over an organization's activities.

(6) **Provision for student participation in college governance.** As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASEDCC constitution, as well as the college's administrative procedures, provide both commitment and clear channels for student involvement and participation in the formulation and application of institutional policies regarding academic and student affairs, including voting membership on all committees.

(7) **Protection of confidentiality of student records.** When a student enters the college and submits the required personal data for academic and personnel records, there is an implicit, justifiable assumption of trust placed in the college as custodian of these data. The college also believes that a similar relationship should be maintained relative to subsequent data generated during the student's enrollment—academic performance, activities, personal interviews, and disciplinary proceedings.

(a) **Records and communications are confidential.** In its relations with students, the college will preserve the confidential character of communications and records so as to insure that its educational and counseling processes are carried forward in the most effective manner.

(b) **Information which may be released.** Information may be furnished of a "public" or "directory" nature, that is, information which has appeared at one time or another in publications that are available to the general public or are a matter of public record.

(c) **Requests from prospective employers.** Only with the written permission of the student concerned will the college furnish nonpublic information to prospective employers. The college respects the right of its students to determine prospective employers to whom they wish the college to furnish nonpublic information, or recommendations, and generally places the responsibility for providing this information in the hands of the student concerned.

(d) **Requests from other educational institutions.** The college will send individually identified written reports to other educational institutions only with the consent of the student involved. When requested by another institution or when deemed necessary by the college, unidentified information may be sent when such information is to be used for curriculum study, accreditation, or studies which may be of benefit to future students.

(e) **Requests from government agencies.**

(i) Properly identified representatives from federal, state, or local government agencies may be given—

without the approval of the student—the following information, if expressly requested: Verification of date and place of birth; enrollment major, and class; dates of enrollment; degree(s) earned, date earned, major or field of concentration, and honors received.

(ii) Requests for release of further student information may be honored with the approval of the student only.

(1) If student approval is not given, the information will be released only on court order or subpoena.

(2) If a subpoena is served, the student whose record is being subpoenaed will be notified, if possible, and that subpoena will be referred to the institution's legal counsel.

(iii) Student-related selective service classification requests will be supplied to the local selective service board upon the written permission of the student only.

(f) **Requests from faculty members.** Faculty members may request information contained in permanent academic records when needed in discharge of his official duties as an instructor or adviser of the student involved.

(g) **Relationships with parents.** The college recognizes the legitimate interest of parents and guardians to consult with the professional staff about the academic and personal well-being of their sons and daughters. Parents of unemancipated minor students will be furnished grade reports or transcripts upon written request without the permission of the student. Parents of emancipated minor students will not be consulted or furnished such information without the permission of the student, nor will the parents of students who have reached legal majority have the right to obtain such information without the consent of the student. In like manner, the spouse of a married student regardless of the student's age will be given such information only with the consent of the student.

(h) **Student access to records.** A student may view the contents of his/her personnel record with the professional staff. If a student feels the information in the record is inadequate or inaccurate, he/she may file corrections for inclusion in the record.

(i) **Information on race, creed, political membership.** Political membership or information is not recorded in student records unless the student expressly requests the inclusion of such information. This is released only if the student so requests. Information relative to an identifiable individual's race or creed will not be provided without written permission.

(j) **Information on academic achievement.** Information regarding academic achievement of students being considered for college associated honors, awards, or scholarships may be furnished to the committees responsible for making the awards.

Violations of any of the above confidentiality of student records are to be reported to the dean of students.

[Order 74-1, § 132E-120-060, filed 3/12/74, effective 4/15/74.]

**WAC 132E-120-070 Edmonds Community College student rights and responsibilities code—Student responsibilities.** (1) **Commercial and promotional activities.**

[Title 132E WAC—p 30]

College facilities may not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives (as in display of books or technical equipment of interest to the academic community), and when they are conducted under the sponsorship of or at the request of a college department of the ADEDCC, and so long as such use does not interfere with or operate to the detriment of the conduct of college affairs.

(2) **Facilities' use.** Any recognized ASEDCC organization may utilize available college facilities for authorized activities. Facilities will be provided free of charge to the organization. However, when staffing and services beyond regular college requirements are necessary, a cost covering fee may be charged. Facilities may be used during normal operating hours. Requests out of regular operating hours will be considered on an individual basis.

Use of facilities for purposes other than those approved, or in an irresponsible manner, may result in withdrawal of this privilege.

Organizations should schedule facility use requests with the director of student activities three days in advance of an event whenever possible.

(3) **Speakers.** In support of the freedoms of speech and inquiry insured in WAC 132E-120-060(2), the board of trustees has adopted the following policy: We encourage inviting to the college speakers who represent diverse points of view. Such speakers are expected to regard this privilege as entailing the same responsibilities and obligations as those faced by instructors. We, moreover, will always assure ourselves that the event is in no way an abuse of that privilege. In the discussion of sensitive issues, the board of trustees reserves the right, either by its own act or by delegation, to impose conditions upon these speakers which will insure the opportunity to challenge these views. The trustees further insist that there shall be left no implication by the college of approval or disapproval of either the speakers or their views.

We encourage student organizations which are officially recognized by the college to invite speakers to the campus providing suitable space is available and there is no interference with the regularly scheduled program of the college.

In order to provide an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe conditions for the conduct of the meeting in any case which may be attended by extreme emotional feeling. Such action may include designating a member of the faculty to be chairman, and/or requiring permission for comments and questions from the floor. Likewise, the president may require the appearance of one or more additional speakers at the meeting so that other points of view may be expressed. He shall also prescribe the regulations for the advanced planning of all meetings to be addressed by outside speakers and may designate representatives to recommend conditions for the conduct of particular meetings.

(1986 Ed.)

The president shall furthermore establish the procedures for the distribution of all printed matter on campus.

The board of trustees will neither authorize nor tolerate actions by any speaker during a meeting which:

(1) Incite the audience to riot or violate state or federal laws.

(2) Advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States, or of the state of Washington, or any political subdivision of either of them by revolution, force, or violence.

The president or his duly delegated representative shall be charged with the responsibility of carrying out and implementing the policy enumerated herein.

Adopted by the board of trustees - 1/31/69

(a) **Edmonds speaker policy and procedure.** (i) The dean of student personnel services has been designated to represent the president in implementation of this policy, to process forms and to advise on situations where special conditions should be imposed.

(ii) When a student organization wishes to sponsor the appearance of an off-campus speaker or speakers on the college campus, the sponsoring organization must file with the office of the dean of student personnel services three school days (not including the day of the event) prior to the scheduled meeting, a form indicating its intent and providing information regarding the arrangements, including date, time, place, topic to be discussed, the name of the speaker, sufficient biographical data regarding the speaker clearly to identify him, the name of the proposed chairman or moderator, and other pertinent information.

(iii) The president will prescribe, where necessary, special conditions for the conduct of particular meetings as indicated in the policy statement.

(iv) Sponsoring organizations are responsible for making room reservations and other arrangements for their meetings and for any expense occasioned by their meetings. Assistance in making room reservations and other arrangements will be given by the director of student activities.

Adopted by the legislative body - 2/24/70.

(4) **Printed materials.** In support of the freedom of inquiry and expression insured in WAC 132E-120-060(2) of this document, the following policies apply to printed materials:

(a) **Textbooks.** The college faculty will choose the texts to be used in their classes. The college bookstore will order and stock the texts chosen, and is not responsible for content.

(b) **Library access.** (i) As a responsibility of library service, books and other instructional materials selected are chosen for values of interest, information and enlightenment of students and faculty. In no case will any book or other instructional material be excluded because of controversial content.

(ii) There will be the fullest practicable provision of material presenting all points of view concerning the

problems and issues of our times, international, national and local. Books or other instructional materials of sound factual authority will not be prescribed or removed from library shelves because of partisan or doctrinal disapproval.

(iii) Censorship of books and other instructional materials, urged or practiced by voluntary arbiters of morals or political opinion, will be resisted by the Edmonds Community College library-media center in maintenance of its responsibility to provide information and enlightenment.

(c) **Student publications.** Student publications are communication devices for the presentation of student views and concerns. There shall be no prior censorship or control from faculty, administration, student government, or advertisers exercised over the student newspaper, student handbook, student literary magazine or publications of other student groups. Advisors to student publications shall act in an advisory capacity, and are not responsible for content.

The student newspaper and literary magazine are governed by the publications code of the associated students of Edmonds Community College, and by a college publications board, whose primary responsibility is the judicious enforcement of policy pertaining to student publications. A paramount function of the board is to assure that student publications are published according to accepted principles of responsibility, impartiality, fair play, and decency, as set forth in the Canons of Journalism of the American Society of Newspaper Editors.

(d) **Distribution of materials.** Handbills, leaflets, and similar printed materials, whether sold or distributed free of charge, may be distributed by regularly enrolled students, by members of recognized student organizations, and by college personnel in campus areas designated by the director of student activities, so long as distribution does not interfere with or operate to detriment of college activities or the flow of traffic.

Materials must be dated and bear identification of the publishing and distributing organization or individual. Off-campus organizations may distribute materials only upon registration with the director of student activities, and subject to designated location.

(e) **Posted materials.** Materials may be posted on campus bulletin boards with clearance from the dean of student personnel services or his designated representative. Materials are subject to the following posting regulations:

(i) Materials must be stamped and dated by the dean of student personnel services or his designated representative.

(ii) Materials are only to be posted on bulletin boards in buildings.

(iii) Materials are not to be placed on glass, walls, brick, or any painted surface.

(iv) Any materials posted that do not comply with these regulations will be removed and destroyed.

(5) **Summary.** Edmonds Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with

the college's primary responsibility to insure the opportunity of all members of the college community to attain their educational objectives, or subsidiary responsibilities to protect the health and safety of persons in the college community, maintain and protect property, keep records, provide other services, and sponsor co-curricular activities such as lectures, concerts, athletic events, and social functions.

Any student accused of infractions of rules or failure to accept responsibilities described in the document of rights, freedoms, and responsibilities may be accorded the due process described in the pages following.

[Order 74-1, § 132E-120-070, filed 3/12/74, effective 4/15/74.]

**WAC 132E-120-080 Edmonds Community College student rights and responsibilities code--Disciplinary procedures.** The administration of discipline at Edmonds Community College is intended to be educational, not punitive. The procedure includes serious and thorough deliberation with the rights and freedoms of the student, as well as the interests of the college and community, being paramount.

Most disciplinary proceedings will be conducted informally between the student and the dean of student personnel services or the dean's designate. In some cases, at the discretion of the dean or the student, formal procedures may be invoked.

(1) The dean of student personnel services is the executive officer of the college with regard to student affairs, including discipline. He is responsible for assembling facts on cases referred to his office, making provisions for suitable hearings, convening a student-faculty-classified-administration discipline committee when it is requested, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases.

**(2) Guidelines for student conduct.**

The following are guidelines for acceptable student conduct. A student enrolling in the college assumes a responsibility to conduct himself in a manner compatible with the college's function as an educational institution. Although Edmonds Community College is dedicated to an open, free society, there are some actions incompatible with an institution of higher education.

Grounds for disciplinary actions shall include, but not be limited to, the following:

(a) Dishonesty, including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college.

(b) Forgery, alteration, or misuse of college documents, records, or identification.

(c) Obstruction or disruption of teaching, institutional or instructional research, administration of the college, disciplinary procedures, or other college activities, including but not limited to, meetings of the board of education, community service functions, or other authorized activities on college premises.

(d) Physical abuse of any person on college-owned or controlled property or at college-sponsored or supervised

functions or conduct which threatens or endangers the health or safety of any such person.

(e) Theft or damage to property of the college or of a member of the college community or of a visitor to the campus.

(f) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas.

(g) Unauthorized use of college supplies or equipment.

(h) Violation of college policies or of campus regulations, including, but not limited to, campus regulations concerning student organizations, the use of college facilities, or the time, place and manner of public expression.

(i) Illegal use, possession, or distribution of drugs on campus or at any college-sponsored event, or appearance on campus or at any college-sponsored event while under the influence of illegally used drugs.

(j) Use, possession or distribution of alcoholic beverages except at authorized and properly licensed functions while on college property, or at any college-sponsored event.

(k) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of the peace; or aiding, abetting, or procuring another to breach the peace on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Failure to comply with directions of college officials acting in the performance of their duties.

(m) Possession or use of firearms, explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college or college-owned or controlled property or at college-sponsored or supervised functions without written authorization.

(n) Hazing, whether it is physical or verbal, which interferes with the personal liberty of a fellow student, faculty member, or employee of the college.

**(3) Measures to enforce standards of student conduct.**

The following represents the disciplinary measures available to enforce standards of student conduct.

**(a) Reprimand**

A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that this serves as a warning that continued conduct of the type described in the reprimand may result in formal action against the student. He is further informed that records of reprimands are confidential property of Edmonds Community College and are destroyed two years after the last entry has been made concerning any disciplinary action against an individual student, and that such records are not considered part of a student's permanent records at the college.

**(b) Summary suspension**

Although not necessarily considered disciplinary action against a student, summary suspension is a technique to protect the school from the immediate possibility of disorder or threat to safety of students or staff. A suspended student is not to occupy any portion



of the campus and is denied all college privileges including class attendance. Summary suspension shall be limited only to that period of time necessary to insure that the purposes of the summary suspension are accomplished, and in any case, no more than a maximum of ten school days.

(i) The president, dean of student personnel services or other staff members previously designated by the president as their representatives may summarily suspend a student or students when he deems it necessary for the safety and welfare of the college.

(ii) A summary suspension is for: Purposes of investigation, relieving the tension of the student body due to a serious infraction of student behavior standards, or removing a threat to the well-being of the students and/or the good order of the college which would prevent the continued normal conduct of the academic community.

(iii) The reason or reasons for the suspension and notification of further action which is expected of the student and/or his or her parents, if the student is under eighteen years of age, shall be mailed to the official college address of the student within twenty-four hours (or one school day) of the suspension.

**(c) Disciplinary probation**

The dean of student personnel services, after close evaluation of the individual case, may restrict the college-related activities of students or groups of students as he deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period of not to exceed one year. Repetition during the probationary period, of conduct resulting in disciplinary probation may be cause for suspension or other disciplinary action.

**(d) Disciplinary suspension**

Disciplinary suspension serves as a penalty against the student as a result of his conduct failing to meet standards expected at the college. A suspended student is not to occupy any portion of the campus and is denied all college privileges including class attendance. Disciplinary suspension requires the approval of the board of trustees.

**(e) Expulsion**

Any expelled student is denied all further college privileges. Students may be expelled only with the approval of the board of trustees.

**(4) The committee on student conduct.**

(a) A committee shall be established to conduct hearings when requested by a student regarding disciplinary actions recommended by the dean of student personnel services.

(b) The committee shall be appointed annually at the start of the academic year. Vacancies that occur during the year shall be filled as they arise.

(c) The chairman shall be elected by the committee.

(d) The committee shall include:

(i) Three students designated by the president of the associated students.

(ii) One administrator of the college designated by the college president, not to be the dean of student personnel services.

(iii) Two persons representing the faculty, designated by the faculty association president.

(iv) One person designated by the president of the classified association.

(e) A quorum shall consist of four members.

(f) All committee members shall have voting rights.

(g) The committee shall make its own rules for conducting hearings.

**(5) Disciplinary and hearing procedures.**

(a) Allegations of misconduct shall be filed in the dean of student personnel services' office in writing. Upon investigation, the dean of student personnel services shall initiate appropriate action.

(b) Students alleged to have conducted themselves inappropriately shall be provided with written notice to meet with the dean of student personnel services or another administrative officer as designated by the dean of student personnel services for a preliminary conference regarding the basis for possible disciplinary action. The notice must be given at least twenty-four hours (one school day) prior to the scheduled appointment, and shall contain a statement of the allegations.

(c) If after the preliminary conference and investigation, the dean of student personnel services determines that the student's conduct has NOT been in violation of college standards, the dean will dismiss proceedings and exonerate the student.

(d) If after his preliminary conference, the recommendation of the dean of student personnel services is for disciplinary action, the student shall receive in writing the following:

(i) Notification of the findings of the investigation by the dean of student personnel services and his conclusions.

(ii) Notification of the disciplinary action which is to be recommended.

(iii) Notification that the student may either accept the disciplinary action or, within forty-eight hours (2 school days) following receipt of this notification, file at the office of the president of the college, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

(e) If the student does not request a hearing, the president shall review the recommendation of the dean of student personnel services and within twenty-four hours announce his decision with regard to the disciplinary action to be taken.

(f) If the student decides to request a hearing, he shall file at the office of the president a written notice of this intent as specified above. Within twenty-four hours (1 school day) of requesting the hearing the student shall file at the office of the president a specific written response to each of the charges.

(g) A meeting of the committee on student conduct shall be convened not earlier than twenty-four hours (or one school day) nor later than forty-eight hours (or two school days) after submission of the student's response to the charges to give him a hearing and to make a recommendation in the case to the president.

**(6) Hearing procedure.**

(a) A record of the proceedings before the committee on student conduct shall be kept.

(b) The chairman, with the concurrence of the president shall designate some member of the classified staff to collect and preserve all exhibits in evidence.

(c) The committee on student conduct shall conclude its hearing and present a recommendation as expeditiously as possible, both for the sake of the student and for the sake of the college.

(d) The dean of student personnel services or his designated representative shall make his presentation first. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct examination and cross-examination of the witness have been completed.

(e) Upon completion of the presentation by the dean of student personnel services, the student may make his presentation and may present any witness desired. Again direct examination and cross examination will be followed by questions from the committee.

(f) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask any questions. The hearing will then be closed and the committee will retire to executive session for deliberation. When a recommendation has been reached, the committee will reconvene and announce its recommendation. The meeting will then be adjourned.

**(7) Evidence.**

(a) The committee may, upon agreement by both parties, receive sworn written statements in lieu of sworn oral testimony at the hearing.

(b) The committee has the right to control:

- (i) Relevance
- (ii) Materiality
- (iii) Competency
- (iv) Number and conduct of witnesses

**(8) Recommendations of the committee.**

(a) Members of the committee draw upon their own knowledge of acceptable standards of conduct and good taste in the college community. The committee may base its recommendation upon these standards but is not empowered to evaluate their constitutionality.

(b) Recommendations shall include:

- (i) Findings of fact;
- (ii) Conclusions;
- (iii) A recommendation.

(c) In making a recommendation, the committee shall consider the following issues:

(i) Does the alleged act constitute a violation of acceptable standards of student conduct?

(ii) Did the student involved commit the acts with which he was charged?

(iii) Were there any mitigating circumstances?

(iv) What sanctions have been imposed in previous cases?

(d) The record of the hearing, the findings, and the recommendations of the committee on student conduct shall be reviewed by the dean of instruction and the

president. The president shall announce the decision within a reasonable time after receipt of said record, findings and recommendations.

[Order 76-11-1, § 132E-120-080, filed 12/17/76; Order 74-1, § 132E-120-080, filed 3/12/74, effective 4/15/74.]

## Chapter 132E-124 WAC

### CONDUCT POLICIES ON COLLEGE CAMPUSES

#### WAC

- 132E-124-010 Everett and Edmonds Community College—State of educational freedom.
- 132E-124-020 Everett Community College distribution of literature procedures.
- 132E-124-030 Everett Community College distribution of literature procedures—Smoking regulations.
- 132E-124-040 Everett Community College distribution of literature procedures—No smoking signs.
- 132E-124-050 Everett Community College distribution of literature procedures—Violation penalty.
- 132E-124-060 Everett Community College distribution of literature procedures—Smoking regulations.

**WAC 132E-124-010 Everett and Edmonds Community College—State of educational freedom.** The board of trustees of Washington Community College District V, acting in accordance with the responsibilities imposed upon us by the law of the state, herein takes notice that the college has prudently and effectively maintained a policy guaranteeing educational freedom to the faculty and to those it serves. The board of trustees sets forth the following statement as policy:

(1) We, the board of trustees of Washington Community College District No. 5, are responsible for general supervision of the affairs of Everett Community College and Edmonds Community College. As such, we believe we have a special obligation to vigorously promote the freedoms provided by the democratic processes of our free society. We conceive that central to its very existence is full and free discussion of the controversial issues of our time conducted in a responsible manner.

(2) We believe that freedom of speech and assembly requires a forum wherein students may develop their thoughts and their convictions.

(3) We seek to enlist and maintain a competent faculty whose members subscribe to high standards of professional conduct. We encourage the faculty to assist students in their search for truth in any way consistent with those standards which include an obligation on the part of the instructor to place major emphasis on information and analysis in his field of competence.

(4) We hold that an instructor's unique role in the community is to be specially involved in the objective search for truth. His chief contribution, however, is in the classroom where in order to foster the spirit of responsible, objective inquiry he has freedom to discuss his subject and to lead discussion in any controversial aspects of its content. We hold that an instructor's unique position imposes upon him special obligations.

(a) In his writing and speaking he should seek accuracy.

(b) He should exercise appropriate restraint.

(c) He should show respect for the opinions of others and for freedom of expression among others.

(d) While writing or speaking as a private citizen he should clearly indicate that he is not a college spokesman.

We further believe that when any instructor speaks or writes as a private citizen he is entitled to all the rights of his citizenship and he must assume the responsibility for his own actions.

(5) We encourage inviting to the college speakers who represent diverse points of view. Such speakers are expected to regard this privilege as entailing the same responsibilities and obligations as those faced by instructors. We, moreover, will always assure ourselves that the event is in no way an abuse of that privilege. In the discussion of sensitive issues the board of trustees reserves the right, either by its own act or by delegation, to impose conditions upon these speakers which will insure the opportunity to challenge these views. The trustees further insist that there shall be left no implication by the college of approval or disapproval of either the speakers or their views.

(6) We encourage student organizations which are officially recognized by the college to invite speakers to the campus providing suitable space is available and there is no interference with the regularly scheduled program of the college.

(7) In order to provide an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe conditions for the conduct of the meeting in any case which may be attended by extreme emotional feeling. Such action may include designating a member of the faculty to be chairman, and/or requiring permission for comments and questions from the floor. Likewise the president may require the appearance of one or more additional speakers at the meeting in question, or at a subsequent meeting, so that other points of view may be expressed. He shall also prescribe the regulations for the advanced planning of all meetings to be addressed by outside speakers and may designate representatives to recommend conditions for the conduct of particular meetings.

(8) The board of trustees will neither authorize nor tolerate actions by any speaker during a meeting which:

(a) Incite the audience to riot or violate state or federal laws.

(b) Advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States, or of the state of Washington, or any political subdivision of either of them by revolution, force or violence.

(9) The president or his duly delegated representative shall be charged with the responsibility of carrying out and implementing the policy enumerated herein.

[Order 72-1, § 132E-124-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-124-020 Everett Community College distribution of literature procedures.** In order to insure an atmosphere in which the discussion of diverse points

of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

(1) Printed matter may be distributed in an orderly and nonforceful manner anywhere in the student center building, and the area directly in front thereof, except that

(a) Noninstructional printed matter shall not be distributed in the classroom.

(b) Printed matter shall not be distributed in Olympus Hall, the library, (other than specifically provided for) or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program.

(c) Printed matter shall not be placed on any vehicle parked on the campus.

(d) Posters and advertising bulletins must be approved by the office of student activities before they may be posted on campus. In general, material concerning off-campus activities will not be approved unless it is determined to be special service to ECC students.

(2) In addition, three central points of distribution will be made available on campus:

(a) A table in the library.

(b) The kiosks in the student lounge.

(c) A table in the TUB foyer—eastside entrance to the cafeteria.

(3) As to content of printed matter, the college will be guided by both adherence to the First Amendment of the Federal Constitution and existing laws regarding libel, slander and obscenity.

(4) A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as to content of any displayed material will be handled by the dean of students.

(5) Printed matter originating with an off-campus individual or organization must be registered with the dean of students before distribution will be permitted.

[Order 72-1, § 132E-124-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-124-030 Everett Community College distribution of literature procedures—Smoking regulations.** In keeping with sound fire prevention practices of the city of Everett fire department, and upon recommendation of the city fire marshal, and with the approval of the Everett Community College faculty association it is hereby established that there shall be no smoking [in] the library, the learning/resources center, the gymnasium, classrooms, shops, labs, preparation rooms, and storage areas.

[Order 72-1, § 132E-124-030, filed 2/1/73, effective 3/9/73.]

**WAC 132E-124-040 Everett Community College distribution of literature procedures—No smoking signs.** In areas and buildings where smoking is prohibited no smoking signs shall be posted and the regulation enforced (see section 7.28.010(a) of the Everett city code).

[Order 72-1, § 132E-124-040, filed 2/1/73, effective 3/9/73.]

**WAC 132E-124-050 Everett Community College distribution of literature procedures—Violation penalty.** Violation of the no smoking regulations and/or removal of the no smoking signs constitutes a misdemeanor which is punishable by law upon conviction (see section 7.28.040 Everett city code).

[Order 72-1, § 132E-124-050, filed 2/1/73, effective 3/9/73.]

**WAC 132E-124-060 Everett Community College distribution of literature procedures—Smoking regulations.** The president of the college reserves the right to designate any particular area on campus a no smoking area and to change the smoking regulations in keeping with sound fire prevention.

[Order 72-1, § 132E-124-060, filed 2/1/73, effective 3/9/73.]

### Chapter 132E-128 WAC TENURE POLICY

WAC

132E-128-001 Tenure and dismissal.

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

- 132E-128-010 General definitions. [Order 72-1, § 132E-128-010, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-020 Definitions relating to tenure. [Order 72-1, § 132E-128-020, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-030 Faculty tenure. [Order 72-1, § 132E-128-030, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-040 Review committees. [Order 75-1, § 132E-128-040, filed 1/31/75, effective 3/5/75; Order 72-1, § 132E-128-040, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-050 Dismissal for cause. [Order 72-1, § 132E-128-050, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-060 Procedures for dismissal for sufficient cause. [Order 72-1, § 132E-128-060, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-070 Right of the faculty member to appeal. [Order 72-1, § 132E-128-070, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-080 Suspension of the faculty member. [Order 72-1, § 132E-128-080, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed 5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.
- 132E-128-090 Rights of transferees. [Order 72-1, § 132E-128-090, filed 2/1/73, effective 3/9/73.] Repealed by 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), filed

5/23/79. Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852.

**WAC 132E-128-001 Tenure and dismissal.** It is the policy of the board of trustees of Washington Community College District V that all matters relating to tenure and dismissal of academic employees shall be governed by the laws of the state of Washington and the terms of the negotiated agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

[Statutory Authority: RCW 28B.50.030, 28B.50.140(13), and 28B.50.852. 79-06-060 (Order 79-5-1, Resolution No. 79-5-1), § 132E-128-001, filed 5/23/79.]

### Chapter 132E-130 WAC

#### EVERETT COMMUNITY COLLEGE POLICY AND REGULATIONS GOVERNING REDUCTION IN FORCE

WAC

- 132E-130-010 Purpose.  
132E-130-020 Implementation of reduction in force.  
132E-130-030 Seniority.  
132E-130-040 Layoff units.

**WAC 132E-130-010 Purpose.** (1) This policy shall govern reduction in force, which is deemed to constitute sufficient or adequate cause for dismissal/termination of probationary faculty employees prior to the written term of their individual appointment or tenured faculty employees.

(2) Reduction in force shall include, but not be limited to, any of the following grounds:

- (a) Lack of funds.
- (b) Elimination and/or reduction of programs, courses or services.
- (c) Decreased enrollment.
- (d) Changes in educational policy and/or goals.

(3) Nothing in this reduction in force policy shall be construed to affect the decision and right of the appointing authority not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857.

[Statutory Authority: RCW 28B.50.140. 82-18-068 (Order 82-8-1, Resolution No. 82-8-1), § 132E-130-010, filed 9/1/82.]

**WAC 132E-130-020 Implementation of reduction in force.** If the number of academic employees is to be reduced, the district president shall decide which programs and/or support services are most necessary to maintain the educational mission of the district. The district president shall then decide the number of full-time academic employees to be laid off in each lay-off unit. If a reduction is determined to be necessary, the order of reduction normally will be based on seniority within the applicable layoff unit. In instances where it is in the best interest of the quality or effectiveness of the programs and services of the college, and after consultation with appropriate administrators responsible for and/or related to the lay-off unit regarding qualifications and/or performance of involved faculty, the district president may determine

individuals to be laid off without following the order of seniority. Subsequent steps in the procedure for reduction in force are specified in Appendix B of the District V/Everett Community College federation of teachers labor agreement.

[Statutory Authority: RCW 28B.50.140. 82-18-068 (Order 82-8-1, Resolution No. 82-8-1), § 132E-130-020, filed 9/1/82.]

**WAC 132E-130-030 Seniority.** Seniority shall be determined by establishing the date of the signing of the first full-time contract for continuous full-time professional services for Community College District V and continuous professional services for the Everett school district prior to July 1967. Continuous service shall include leaves of absence, professional leaves, and periods of layoffs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

- (1) First date of signature of an employment contract.
- (2) First date of signature of letter of intent.
- (3) First date of application for employment.

[Statutory Authority: RCW 28B.50.140. 82-18-068 (Order 82-8-1, Resolution No. 82-8-1), § 132E-130-030, filed 9/1/82.]

**WAC 132E-130-040 Layoff units.** (1) The layoff units included under this policy are as follows:

Accounting and general business	Geology
Alternative education	History
Anthropology	Home economics
Art	Journalism
Automotive technology	Law enforcement
Aviation technology	Library
Biology	Licensed practical nursing
Carpentry	Math
Chemistry	Media services
Cosmetology	Music
Counseling	Nursing aide
Dance	Paramedical
Data processing	Philosophy
Developmental studies	Photography
Economics	Physical education
Electronics	Physics and physical science
Emergency medical	Political science
Engineering	Psychology
English	Quality control
Environmental science	Real estate
Family life	Registered nursing
Fire science	Secretarial
Food technology	Sociology
Foreign languages	Speech
Forestry	Theater
Geography	Water science
	Welding

(2) Additional layoff units may be included under this policy at the discretion of the district president. Seniority lists of tenured and probationary faculty will be developed and published and/or posted by the district president and will be updated within five working days of November 1 of each year. Tenured and probationary academic employees shall be placed in the layoff unit which best reflects their training and ability as determined by the district president.

[Statutory Authority: RCW 28B.50.140. 82-18-068 (Order 82-8-1, Resolution No. 82-8-1), § 132E-130-040, filed 9/1/82.]

(1986 Ed.)

## Chapter 132E-136 WAC

### POLICIES ON USE OF COLLEGE FACILITIES

#### WAC

- 132E-136-010 Everett Community College public use of college facilities.
- 132E-136-020 Everett Community College public use of college facilities—Permission granted by president.
- 132E-136-030 Everett Community College public use of college facilities—Commercial activity on campus.

**WAC 132E-136-010 Everett Community College public use of college facilities.** Any college facility may be used by the public as long as it does not interfere with the regularly scheduled educational services of the college.

[Order 72-1, § 132E-136-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-136-020 Everett Community College public use of college facilities—Permission granted by president.** Permission to use college facilities for nonacademic use by the public must be obtained from the president of the college.

(1) Calendar-clearance request must be made after receiving the college president's permission for nonacademic use of college facilities. A calendar-clearance request must be made on the proper form obtainable at the information desk or the office of instruction. When the form is complete, it is turned in to the office of instruction. After the request form has been checked and the event entered on the college calendar of events (see VIII, C), the person whose name appears on the calendar-clearance request form will be notified.

(2) If there is a conflict and the request cannot be granted, this shall be stated in the notification and new arrangements must be made. It is the responsibility of the person whose name appears on the calendar-clearance request form to notify the dean of instruction's office of any and all changes in arrangements.

[Order 72-1, § 132E-136-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-136-030 Everett Community College public use of college facilities—Commercial activity on campus.** Commercial activity on campus shall be confined to the bookstore or cafeteria if the activity involves sales of materials, published materials, foods, and/or food services, except by special authorization of the college president.

(1) In the event that sales or commercial activity occur any places other than the bookstore or cafeteria, the dean of students shall advise the person engaged in such commercial activity of the college regulation and request the person to cease the activity.

(2) If the activity continues, the person shall be advised that his privilege to remain on the campus is revoked and ordered to leave the campus.

(3) If the person refuses to comply with the order or cease the activity, civil authorities shall be contacted and asked to take action.

[Order 72-1, § 132E-136-030, filed 2/1/73, effective 3/9/73.]

[Title 132E WAC—p 37]

**Chapter 132E-161 WAC**  
**POLICY REGARDING ADMISSION AND**  
**REGISTRATION REGULATIONS AND**  
**PROCEDURES**

## WAC

132E-161-010 Everett Community College policy regarding admission and registration regulations and procedures.

**WAC 132E-161-010 Everett Community College policy regarding admission and registration regulations and procedures.** Admission and registration regulations and procedures for students wishing to attend Everett Community College are published in the college catalog. Copies of the catalog are available in the registration office and bookstore. Questions and inquiries about regulations and procedures should be directed to the appropriate administrator.

[Statutory Authority: RCW 28B.19.020 and chapter 28B.50 RCW. 83-10-026 (Order 83-4-7, Resolution No. 83-4-7), § 132E-161-010, filed 4/28/83. Formerly chapter 132E-160 WAC.]

**Chapter 132E-168 WAC**  
**LIBRARY CODE**

## WAC

132E-168-010 Everett Community College—Library code—Definitions.  
 132E-168-020 Everett Community College—Loan time periods.  
 132E-168-030 Everett Community College—Number of items that may be borrowed.  
 132E-168-040 Everett Community College—Renewal of library materials.  
 132E-168-050 Everett Community College—Fines.  
 132E-168-060 Everett Community College—Reserves.  
 132E-168-070 Everett Community College—Hours of opening.  
 132E-168-080 Everett Community College—Archival materials.  
 132E-168-090 Edmonds Community College library—Media center.

**WAC 132E-168-010 Everett Community College—Library code—Definitions.** Three categories of borrowers are identified for statistical purposes:

(1) "Faculty" includes part-time and evening personnel and full-time classified employees in the college or Community College District 5.

(2) "Students" include students from Everett Community College or other schools which have reciprocal borrowing privileges with Everett, such as the state colleges at Bellingham, Cheney and Ellensburg, and a number of Puget Sound community colleges.

(3) "Other borrowers" means local residents and students not included in WAC 132E-168-010(2).

[Order 72-1, § 132E-168-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-020 Everett Community College—Loan time periods.** (1) Faculty borrowers may borrow any circulating material or equipment for as long as the need exists, subject to other requests for the same materials. Reference books may occasionally be borrowed for class or home use, subject to the same philosophy of sharing resources whenever necessary.

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(2) Student borrowers have the same privileges except they are expected to return materials or request a renewal on the date or hour agreed upon when the material was borrowed.

(3) Other borrowers may use Everett Community College library facilities and materials upon request and when the materials desired can be lent without inconveniencing the students or faculty of the institution.

[Order 72-1, § 132E-168-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-030 Everett Community College—Number of items that may be borrowed.** Ordinarily, there is no limit to the items that may be checked out to a single borrower. Borrowers may occasionally be asked to share materials.

[Order 72-1, § 132E-168-030, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-040 Everett Community College—Renewal of library materials.** Renewals are usually granted on request for circulating materials except when another patron has requested the same material. Renewals may be requested at the library in person or by telephone.

[Order 72-1, § 132E-168-040, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-050 Everett Community College—Fines.** No fines are charged for overdue library materials but each borrower is expected to share the library resources and to return materials promptly. Patrons are requested to pay for library materials lost or destroyed while checked out in their names. Failure to return overdue library material may result in holds being placed on college records.

[Order 72-1, § 132E-168-050, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-060 Everett Community College—Reserves.** Books kept at the reserve counter will be lent for shorter periods of time in accordance with good college library practice.

[Order 72-1, § 132E-168-060, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-070 Everett Community College—Hours of opening.** The library schedule is derived by applying sound library principles to the approved college calendar. The library is presently scheduled to be open approximately fifty-nine hours per week.

[Order 72-1, § 132E-168-070, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-080 Everett Community College—Archival materials.** Archival materials acquired by the college library will be under the direction of the director of the library.

[Order 72-1, § 132E-168-080, filed 2/1/73, effective 3/9/73.]

**WAC 132E-168-090 Edmonds Community College library—Media center.** (1) The college LMC serves the faculty, students, administrators, and community in the following ways:

(a) Supplies pertinent readings for the use of administrators and faculty on community college philosophy, administration, guidance, and other areas as requested;

(b) Supplies library materials to the community. While purchases are not made with this function in mind, limited library service to community adults is consistent with the community college philosophy. At present courtesy library cards are issued to any community adults requesting them, and general circulation books are charged out without restrictions;

(c) Library hours: 8:00 a.m. - 9:00 p.m. - Monday through Thursday; 8:00 a.m. - 5:00 p.m. - Friday.

(2) Reference books. Reference books are shelved in the library for ready use and are to be kept in the library at all times. Occasionally a faculty member may arrange for overnight checkout of a reference book.

(3) Periodicals. Most current issues are kept on the display rack for in-library use only. Previous unbound issues may be borrowed for a week. Bound periodicals are for use in the library only. Special privileges are granted to faculty members if necessary. A selected list of back periodicals is available on microfilm; readers are located near the periodical stacks.

(4) College catalogs. Catalogs from many colleges throughout the country are available for use in the library only. These are shelved near the main desk.

(5) Textbooks. The library does not attempt to stock textbooks already adopted or being considered for adoption by the college. Occasionally the library may already own a copy, and it should be placed on reserve to avoid loss if it is adopted as a textbook.

(6) Reserve books. At the request of faculty, books will be placed on reserve for two hours, one day, one-week periods. Personal copies of materials may also be placed on reserve by instructors. Reserve books should be requested during the first week of the quarter. All books placed on reserve will be returned to regular shelves at the end of the quarter unless a specific request is made to keep them on reserve.

(7) Circulation period. Books are checked out to students for two weeks. Periodicals are checked out for one week. There is no time limit on general circulation materials to faculty. Instructors are urged to remember that materials may be needed by others and to return them as soon as no longer needed.

[Order 72-1, § 132E-168-090, filed 2/1/73, effective 3/9/73.]

**Chapter 132E-276 WAC**

**GOVERNING ACCESS TO PUBLIC RECORDS**

**WAC**

- 132E-276-010 Purpose.
- 132E-276-020 Definitions.
- 132E-276-030 Description of central and field organization of Community College District V.
- 132E-276-040 Operations and procedures.
- 132E-276-050 Public records available.
- 132E-276-060 Records officer.
- 132E-276-070 Office hours.
- 132E-276-080 Requests for public records.
- 132E-276-090 Commercial purposes.
- 132E-276-100 Inspection of public records—Copying.

- 132E-276-110 Exemptions.
- 132E-276-120 Review of denials of public records requests.
- 132E-276-130 Records index.

**WAC 132E-276-010 Purpose.** This chapter is enacted by the board of trustees of Community College District V to ensure compliance with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign financing—Lobbying—Records; and in particular with sections 25 through 32 of that act, dealing with public records.

[Order 4393, § 132E-276-010, filed 12/28/73, effective 1/30/74.]

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

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

(3) "District" is Washington State Community College District V, an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term "district" shall also refer to the board of trustees and employees of the district.

[Order 4393, § 132E-276-020, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-030 Description of central and field organization of Community College District V.** Community College District V is organized under chapter 28B.50 RCW, with headquarters at 112th Street Southwest and Navajo Avenue, Everett, Washington 98204. The district operates Edmonds Community College at 20000 68th Avenue West, Lynnwood, Washington 98306; Everett Community College at 801 Wetmore Avenue, Everett, Washington 98201; and other field activities as may be established from time to time.

[Order 4393, § 132E-276-030, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-040 Operations and procedures.** The district is established under RCW 28B.50.040 to implement the educational purposes set forth in RCW 28B.50.020. The district is operated under the supervision and control of a board of trustees consisting of five members appointed by the governor, each for a term of five years. Trustees hold at least one regular meeting every other month and such regular or special meetings as may be requested by the chairman of the board or by a majority of the members of the board.

[Order 4393, § 132E-276-040, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-050 Public records available.** All public records of the district, as defined in WAC 132E-

276-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

[Order 4393, § 132E-276-050, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-060 Records officer.** For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the president of the district. The duties of the records officer shall be as provided by the president of the district and may include but not be limited to: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in district headquarters at 112th Street Southwest and Navajo Avenue, Everett, Washington 98204.

[Order 4393, § 132E-276-060, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-070 Office hours.** For purposes of this chapter, the office hours of Community College District V shall be 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

[Order 4393, § 132E-276-070, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973, 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 required to be disclosed by chapter 1, Laws of 1973, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the records officer at district headquarters. The request shall be in writing and shall include the following information:

- (1) The name of the person requesting the record;
- (2) The calendar date and time of day the request was made;
- (3) The public record requested. If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index shall be deemed to be sufficient to identify the record requested; if the requested matter is not identifiable by reference to the district's current index, the request shall be sufficiently specific and complete so as to distinguish the material requested;
- (4) The purpose for which the public record is requested.

[Order 4393, § 132E-276-080, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-090 Commercial purposes.** No provision of any regulation contained in this chapter shall be construed as giving authority to any officer or

staff member of the district to give, sell or provide access to lists of individuals for commercial purposes.

[Order 4393, § 132E-276-090, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-100 Inspection of public records-- Copying.** (1) Public records of the district required to be disclosed by chapter 1, Laws of 1973, shall be provided for inspection and copying by those requesting such records by the records officer. Persons requesting such records may not remove them from the premises.

(2) No fee shall be charged for inspection of public records. The district may impose a charge for providing copies of public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying.

(3) No person shall be provided a copy of a public record which has been copied by the district at the request of such person until and unless such person has tendered payment for providing such copy.

[Order 4393, § 132E-276-100, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-110 Exemptions.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132E-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public record in any cases in which disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973.

(3) Responses by the district refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

(4) Pursuant to section 33, chapter 1, Laws of 1973, the district reserves the right to seek to enjoin the examination of any specific record, the examination of which the district determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

[Order 4393, § 132E-276-110, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-120 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may submit to the records officer a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the records officer which accompanied the denial.

(2) Immediately after receiving a written request of review of a decision denying a public record, the records officer shall refer it to the office of the district president. The petition shall be reviewed promptly and the action of the records officer shall be approved or disapproved. Such approval or disapproval shall constitute final district action for purposes of judicial review.



[Order 4393, § 132E-276-120, filed 12/28/73, effective 1/30/74.]

**WAC 132E-276-130 Records index.** The district shall maintain and make available for public inspection and copying an appropriate index in accordance with section 26, chapter 1, Laws of 1973.

[Order 4393, § 132E-276-130, filed 12/28/73, effective 1/30/74.]