

Title 132Q WAC

COMMUNITY COLLEGES--SPOKANE COMMUNITY COLLEGE--SPOKANE FALLS COMMUNITY COLLEGE

Chapters

- 132Q-01** Board of trustees.
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- 132Q-88-090 Dismissals. [Order 71-11, § 132Q-88-090, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-100 Dismissal for sufficient cause. [Order 71-11, § 132Q-88-100, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-110 Nonrenewal of tenured faculty contracts. [Order 71-11, § 132Q-88-110, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-120 Tenure considerations. [Order 71-11, § 132Q-88-120, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-130 Severability. [Order 71-11, § 132Q-88-130, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 132Q-88

TENURE, NONRENEWAL OF FACULTY PROBATIONERS' CONTRACTS, AND FACULTY DISMISSALS

- 132Q-88-010 Purpose. [Order 71-11, § 132Q-88-010, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-020 Definitions. [Order 71-11, § 132Q-88-020, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-030 Composition of review committees. [Order 74-1, § 132Q-88-030, filed 9/23/74; Order 71-11, § 132Q-88-030, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-040 Review committee evaluation procedures. [Order 71-11, § 132Q-88-040, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-050 Review committee evaluation standards. [Order 71-11, § 132Q-88-050, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-060 Communication of evaluation to probationers. [Order 71-11, § 132Q-88-060, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-070 Recommendations regarding tenure. [Order 71-11, § 132Q-88-070, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.
- 132Q-88-080 Board decisions regarding tenure. [Order 71-11, § 132Q-88-080, filed 1/6/72.] Repealed by 82-01-035 (Order 81-04, Resolution No. 21), filed 12/14/81. Statutory Authority: RCW 28B.50.852.

Chapter 132Q-01 WAC BOARD OF TRUSTEES

WAC

- 132Q-01-005 Board of trustees.
- 132Q-01-010 Bylaws of the board of trustees.
- 132Q-01-020 Regular meetings of the board of trustees.
- 132Q-01-030 Special meetings of the board of trustees.
- 132Q-01-040 Office of the board of trustees.
- 132Q-01-050 Correspondence for the board of trustees.

WAC 132Q-01-005 Board of trustees. The Washington Community College District 17 board of trustees (Community Colleges of Spokane), is charged with the responsibility of Washington Community College District 17. The authority is vested in the board, not in its individual board members. To assist the board in carrying out its responsibilities, it employs a president of the district and delegates to the president the responsibility for administering the district under policies approved by the board.

Policies of the board of trustees are found in the records of board action, in the board of trustees policy manual and, if required by chapter 28B.19 RCW, in the Washington Administrative Code.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-005, filed 1/24/86.]

WAC 132Q-01-010 Bylaws of the board of trustees. The bylaws of the board of trustees of Washington Community College District 17 are contained in chapter 1 of the board policy manual.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-010, filed 1/24/86.]

WAC 132Q-01-020 Regular meetings of the board of trustees. The board of trustees of Washington Community College District 17 (Community Colleges of Spokane) shall hold regular monthly meetings according to a schedule including place, time and date filed with the Washington state code reviser on or before January 1 of each year for publication in the Washington State Register. Notice of any change from such meeting schedule shall be published in the Washington State Register at least twenty days prior to the rescheduled meeting date.

Information about specific meeting places and times may be obtained from the office of the board.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-020, filed 1/24/86.]

WAC 132Q-01-030 Special meetings of the board of trustees. Special meetings of the board of trustees may be called by the chairperson of the board or by a majority of the members of the board by written notice delivered by mail or by person to each member at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file a written request to be notified of such special meetings or of all meetings of the board.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-030, filed 1/24/86.]

WAC 132Q-01-040 Office of the board of trustees. The board of trustees shall maintain an office at North 2000 Greene Street, Spokane, Washington, 99207, where all regular meetings shall be held unless otherwise announced, and all records, minutes and the official district seal shall be kept. This office shall be open during all normal working hours.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-040, filed 1/24/86.]

WAC 132Q-01-050 Correspondence for the board of trustees. Correspondence or other business for the board of trustees shall be sent to the secretary of the board at the office of the board.

[Statutory Authority: RCW 28B.50.140. 86-04-010 (Resolution No. 25), § 132Q-01-050, filed 1/24/86.]

Chapter 132Q-04 WAC

RULES OF STUDENT CONDUCT AND PROCEDURES OF ENFORCEMENT

WAC

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132Q-04-020	Definitions.
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132Q-04-075	Damaging property.
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132Q-04-220	Conduct of disciplinary hearings.
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132Q-04-280	Reporting, recording and maintenance of records.

WAC 132Q-04-010 Purpose of adoption of student rules. (1) All colleges administered by the board of trustees for Washington State Community College District 17 are maintained by the state of Washington for the accomplishment of certain special purposes; namely, the provision of programs of instruction in higher education, the advancement of knowledge through scholarship and research, and the provision of related community services. Like any other social institution having its own special purpose, a college must maintain conditions conducive to the effective performance of its functions. Consequently, the college has special expectations regarding the conduct of the various participants in the academic community. Student conduct which distracts from or interferes with accomplishment of college purposes is not acceptable.

(2) Admission to a college within the district carries with it the presumption that students will conduct themselves as responsible members of the academic community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college and its departments, will maintain a high standard of integrity and honesty and will respect the rights, privileges and property of other members of the college community.

(3) It is assumed that students are, and wish to be treated as adults. As such, the students will accept responsibility for their own conduct. In order to accomplish educational purposes of the college and also to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions, the following rules regarding the conduct of students are hereby adopted. Sanctions for violations of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When

violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper civil authorities. In case of minors, this conduct may be referred to parents or legal guardians.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-010, filed 9/14/84; Order 1-69, § 132Q-04-010, filed 12/8/69.]

WAC 132Q-04-020 Definitions. As used in this chapter, chapter 132Q-04 WAC, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(2) "Board" shall mean the board of trustees of Washington State Community College District 17.

(3) "College" shall mean any community college which may be created by the board of trustees of Washington State Community College District 17.

(4) "College facilities" shall mean and include any or all real property owned, rented, leased, or operated by the board of trustees of Washington State Community College District 17, and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis except those who are faculty members as defined in subparagraph 8 infra, by any community college administered by the board of trustees for Washington State Community College District 17.

(6) "Disciplinary action" shall mean and include the expulsion, suspension or admonition of any student by the appropriate college president or college dean of student personnel services for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean Washington State Community College District 17.

(8) "Faculty members" shall mean any employee of any community college administered by the board of trustees of Washington State Community College District 17, who received a probationary faculty appointment or faculty appointment under the terms of the community college tenure law, RCW 28B.50.850 through 28B.50.869, as now law or hereinafter amended.

(9) "President" unless otherwise designated shall mean the duly appointed president or chief executive officer of any campus of Washington State Community College District 17.

(10) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted in chapter 132Q-04 WAC.

(11) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees for Washington State Community College District 17.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-020, filed 9/14/84; Order 70-1, § 132Q-04-020, filed 9/22/70; Order 1-69, § 132Q-04-020, filed 12/8/69.]

WAC 132Q-04-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student attending a community college within the district whenever said student is engaged in or present at any college-related activity occurring on or off college facilities. It shall also mean for enforcement of the rules of conduct to include facilities in which students are engaged in official college training and/or activities including places of training internships, cooperative education, practicums or supervised work experiences.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-030, filed 9/14/84; Order 1-69, § 132Q-04-030, filed 12/8/69.]

WAC 132Q-04-035 Smoking. Smoking in district or college facilities shall not be permitted except in designated areas. Violation of this section shall be cause for disciplinary action.

[Order 74-1, § 132Q-04-035, filed 9/23/74.]

WAC 132Q-04-040 Liquor. The possession, consumption or being demonstrably under the influence of any form of liquor by any student on college facilities shall be cause for disciplinary action except where possession or consumption occurs in the course of a regular college training program and the presence and use of liquor during that program has been specifically approved by the college president.

[Statutory Authority: RCW 28B.50.140(13). 82-01-032 (Order 81-01, Resolution No. 20), § 132Q-04-040, filed 12/14/81; Order 1-69, § 132Q-04-040, filed 12/8/69.]

WAC 132Q-04-050 Drugs. Any student who shall use, possess, be demonstrably under the influence of, or sell any narcotic drug as defined in RCW 69.50.101(o) as now law or hereinafter amended, or any controlled substance as defined in RCW 69.50.101(d) as now law or hereinafter amended, shall be subject to disciplinary action except when the use or possession of a drug is specifically authorized by a licensed practitioner as defined by RCW 69.50.101 (t)(1), (2), and (3), as now law or hereinafter amended. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.50.410.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-050, filed 9/14/84; Order 1-69, § 132Q-04-050, filed 12/8/69.]

WAC 132Q-04-060 Cheating. (1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have cheated. Cheating shall be cause for disciplinary action.

(2) Any student who aids or abets the accomplishment of cheating as defined in subsection (1) of this section, shall also be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-060, filed 9/14/84; Order 1-69, § 132Q-04-060, filed 12/8/69.]

WAC 132Q-04-067 Classroom conduct. Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-067, filed 9/14/84; Order 70-1, § 132Q-04-067, filed 9/22/70.]

WAC 132Q-04-068 Conduct at college functions. Any student who, by any act of misconduct, substantially disrupts any college function by engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). 82-01-033 (Order 81-02, Resolution No. 18), § 132Q-04-068, filed 12/14/81.]

WAC 132Q-04-070 Theft and/or sale of stolen property. Any student who shall commit larceny of the property of another, as defined in RCW 9A.56.020, or who shall sell, or offer to be sold such property, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-070, filed 9/14/84; Order 1-69, § 132Q-04-070, filed 12/8/69.]

WAC 132Q-04-075 Damaging property. Any student who shall willfully attempt to damage or destroy, or who in fact does willfully damage or destroy, any property owned, controlled or operated by Washington State Community College District 17 or owned, controlled or operated by another person while said property is located on facilities owned, rented, leased, or operated by Washington State Community College District 17 shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-075, filed 9/14/84; Order 70-1, § 132Q-04-075, filed 9/22/70.]

WAC 132Q-04-080 Intimidation/interference. Any student who shall interfere or intimidate by force or violence another person, in the manner prohibited by law in RCW 28B.10.570 and 28B.10.571, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-080, filed 9/14/84; Order 1-69, § 132Q-04-080, filed 12/8/69.]

WAC 132Q-04-085 Abusive conduct. Any student who shall use abusive language towards any person while on college facilities or participating in college related programs shall be subject to disciplinary action.

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[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-085, filed 9/14/84; Order 70-1, § 132Q-04-085, filed 9/22/70.]

WAC 132Q-04-090 Forgery or alteration of records. Any student who engages in acts of forgery, as defined in RCW 9A.60.020 shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-090, filed 9/14/84; Order 1-69, § 132Q-04-090, filed 12/8/69.]

WAC 132Q-04-095 Computer trespass. Any student who, without authorization, intentionally gains access to a computer system or electronic data owned or used by the Community Colleges of Spokane (Washington Community College District 17) shall be subject both to disciplinary action pursuant to chapter 132Q-04 WAC and to criminal prosecution pursuant to chapter 273, Laws of 1984 and any or all other statutory law or regulations pertaining thereto.

[Statutory Authority: RCW 28B.50.140. 85-19-032 (Resolution No. 24), § 132Q-04-095, filed 9/12/85.]

WAC 132Q-04-100 Right of assembly. (1) Students shall have the right of "assembly" as defined in WAC 132Q-04-020 upon college facilities that are generally available to the public; provided that such assembly shall:

- (a) Be conducted in an orderly manner; and
- (b) Not unreasonably interfere with vehicular or pedestrian traffic; or
- (c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, or with educational functions of the college; and
- (d) Not unreasonably interfere with college functions.

(2) A student who conducts or participates in an assembly violative of any provision of this rule shall be subject to disciplinary action.

(3) Nonstudents who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college. Faculty members and other college personnel who participate in or aid or abet any assembly or assemblies violative of this section shall be subject to appropriate discipline.

(4) Any student who commits any other act on college facilities which is punishable as a gross misdemeanor or a felony under the laws of the state of Washington and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-100, filed 9/14/84; Order 1-69, § 132Q-04-100, filed 12/8/69.]

WAC 132Q-04-110 Commercial activities. (1) College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to

the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college department or the office of student activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132Q-04-140.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-110, filed 9/14/84; Order 1-69, § 132Q-04-110, filed 12/8/69.]

WAC 132Q-04-120 Outside speakers. (1) Any recognized campus student organization with the written certification of its advisor, may invite speakers on that campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by the college, its students, its faculty, its administration or its board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student senate or the student activities council of the campus at which the speaker will appear.

(4) The appropriate student senate or student activities council will be notified at least seven days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the director of student activities) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the director of student activities. Exceptions to the seven-day ruling may be made by the director of student activities with the approval of the dean of student personnel services.

(5) The appropriate student senate or student activities council may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president of the college or a designated representative, may assign a faculty member to preside over any meeting where a speaker has been invited.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-120, filed 9/14/84; Order 1-69, § 132Q-04-120, filed 12/8/69.]

WAC 132Q-04-130 Trespass. (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through

the dean of student personnel services or such other person designated by the president, shall have power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) To give notice against trespass by any manner provided for by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the president or the president's designee pursuant to the requirements of section 1 of this rule, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-130, filed 9/14/84; Order 1-69, § 132Q-04-130, filed 12/8/69.]

WAC 132Q-04-140 Distribution of materials. (1) Handbills, leaflets, newspapers and similarly related matter distributed free of charge by any student or students or by members of recognized student organizations or by college personnel, may be distributed upon college facilities designated by the director of student activities; provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) Newspapers, leaflets and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(3) All handbills, leaflets, newspapers and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) All students and nonstudents shall be required to register with the director of student activities prior to the distribution or sale of any handbill, leaflet, newspaper or related matter, including, but not limited to, posting materials on college bulletin boards and distributing materials in college parking lots.

(5) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or related materials, shall be subject to disciplinary action.

(6) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of Washington State Community College District 17.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-140, filed 9/14/84; Order 1-69, § 132Q-04-140, filed 12/8/69.]

WAC 132Q-04-150 Right to demand identification.

(1) For the purpose of determining whether probable cause exists for application of any section of the code of student conduct to any conduct by any person on a college facility, any faculty member or other college personnel expressly authorized by the president of the college or chief executive officer may demand that any person on college facilities produce evidence of student enrollment at the college, by tender of said person's student identification card to the faculty member or authorized college personnel.

(2) Refusal by a student to produce a student identification card, as required by subsection (1) of this section, shall be cause for disciplinary action.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-150, filed 9/14/84; Order 1-69, § 132Q-04-150, filed 12/8/69.]

WAC 132Q-04-160 Purpose of disciplinary actions.

Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of student conduct herein adopted. The form of disciplinary action imposed upon the non-abiding student will determine whether and under what conditions the violator may continue as a student at the college.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-160, filed 9/14/84; Order 1-69, § 132Q-04-160, filed 12/8/69.]

WAC 132Q-04-170 Initiation of prosecution.

(1) Faculty members, the dean of student personnel services and the president shall have concurrent authority to invoke sanctions for violations of the rules of student conduct and to require the commencement of the disciplinary proceedings provided for in WAC 132Q-04-180 through 132Q-04-270.

(2) Faculty members shall have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the president of the college at any time before the end of the next succeeding quarter in which the student is enrolled.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-170, filed 9/14/84; Order 1-69, § 132Q-04-170, filed 12/8/69.]

WAC 132Q-04-180 Initial disciplinary proceedings.

(1) All disciplinary proceedings will be initiated by the dean of student personnel services or a designated representative, who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

(2) Any student accused of violating any provisions of the rules of student conduct will be called for an initial conference with the dean of student personnel services or a designated representative, and will be informed of what provision or provisions of the rules of student conduct the student is charged with violating, and what appear to be maximum penalties which might result from consideration of the disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the dean of student personnel services or a designated representative may take any of the following actions.

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning, reprimand, disciplinary probation or fine) subject to the student's rights of appeal described below;

(d) Refer the matter to the college disciplinary committee for a recommendation to the president of the college as to appropriate action. The student shall be notified in writing when such a recommendation is made;

(e) Issue an order of dismissal pursuant to the conditions of WAC 132Q-04-260(d).

(4) A student accused of violating any provision of the rules of student conduct shall be given written notification of any disciplinary action taken by the dean of student personnel services or a designated representative. In case of an unmarried student under 18 years of age, written notification of the disciplinary action taken by the dean of student personnel services or a designated representative shall also be sent to the parents or guardian of the student.

(5) No disciplinary action recommended by the dean of student personnel services or a designated representative is final unless the student fails to exercise his right of appeal as provided in WAC 132Q-04-190.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-180, filed 9/14/84; Order 74-1, § 132Q-04-180, filed 9/23/74; Order 70-1, § 132Q-04-180, filed 9/22/70; Order 1-69, § 132Q-04-180, filed 12/8/69.]

WAC 132Q-04-190 Appeals. Any disciplinary action taken by the dean of student personnel services or a designated representative may be appealed to the college disciplinary committee; and disciplinary action taken by the college disciplinary committee may be appealed by the student to the president of the college. All appeals by a student must be made in writing to the disciplinary committee or the president and presented to the committee or president within seven days after the student has been notified of the action taken by the disciplinary committee or the president.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-190, filed 9/14/84; Order 1-69, § 132Q-04-190, filed 12/8/69.]

WAC 132Q-04-200 Composition of college disciplinary committee. Each campus of Spokane Community College and after July 1, 1970, each college created by the board of trustees for Washington State Community College District 17 shall have a college disciplinary committee composed of six members, who shall be chosen by no later than October 15 of each academic year. The membership shall be selected as follows:

(1) The recognized faculty organization at each college shall appoint two members and an alternate who

are teaching on the appropriate campus or college; such members shall serve a two-year term.

(2) The college president shall appoint two members from the college administration who shall serve at the pleasure of the president.

(3) Student membership shall be appointed by the respective student governments on each college campus. Student membership must include a male and female student and two alternates who shall serve for no more than one year.

(4) The chairman of the college disciplinary committee shall be the dean of student personnel services or a designated representative; provided, however, that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve as chairman, nor may said person cast a vote on the merits of the issue decided by the disciplinary committee pursuant to WAC 132Q-04-240.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-200, filed 9/14/84. Statutory Authority: RCW 28B.50.140(13). 82-01-034 (Order 81-03, Resolution No. 19), § 132Q-04-200, filed 12/14/81; Order 74-1, § 132Q-04-200, filed 9/23/74; Order 70-1, § 132Q-04-200, filed 9/22/70; Order 1-69, § 132Q-04-200, filed 12/8/69.]

WAC 132Q-04-210 Procedures for hearing before the college disciplinary committee. (1) The college disciplinary committee for each campus, and after July 1, 1970 for each college, will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of student personnel services or the dean's designated representative.

(2) The student has a right to a fair and impartial hearing before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures herein-after outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

(3) The student shall be given written notice by registered or certified mail of the time and place of the hearing before the college disciplinary committee, and be afforded not less than 20 days notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges including reference to the particular sections of the rules of student conduct involved.

(c) A list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to hear and examine the evidence brought forward and be informed of the identity of its source and shall be entitled to present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual

matters. The student shall have all authority possessed by the college to obtain information provided requests for such information is specifically described, in writing, and tendered to the dean of student personnel services no later than three days prior to the hearings, or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(5) The student may be represented by counsel of choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of student personnel services.

(6) In all disciplinary proceedings the college may be represented by a designee appointed by the dean of student personnel services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the dean of student personnel services may elect to have the college represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceeding will be taken. A copy thereof shall be available at the office of the dean of student personnel services.

(8) The chairman of the college disciplinary committee shall preside at the disciplinary hearing and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-210, filed 9/14/84; Order 74-1, § 132Q-04-210, filed 9/23/74; Order 70-1, § 132Q-04-210, filed 9/22/70; Order 1-69, § 132Q-04-210, filed 12/8/69.]

WAC 132Q-04-220 Conduct of disciplinary hearings. (1) Hearings conducted by the college disciplinary committee generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.

(2) Any student attending the disciplinary committee hearing as an invited guest who continues to disrupt said proceedings after the chairman of the committee has asked him to cease and desist therefrom, shall be subject to disciplinary action.

[Order 1-69, § 132Q-04-220, filed 12/8/69.]

WAC 132Q-04-230 Evidence admissible in hearings. (1) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college disciplinary committee had sufficient cause to believe that the accused student is guilty of violating the rules the student is charged with having violated.

(2) In determining whether sufficient cause, as stated in the foregoing subparagraph 1, does exist, members of

the disciplinary committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs.

(3) The chairman of the college disciplinary committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

[Statutory Authority: RCW 28B.50.140, 84-19-029 (Resolution No. 23), § 132Q-04-230, filed 9/14/84; Order 70-1, § 132Q-04-230, filed 9/22/70; Order 1-69, § 132Q-04-230, filed 12/8/69.]

WAC 132Q-04-240 Decision by the committee. (1) Upon conclusion of the disciplinary hearing, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the president any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students;

(b) That the college impose minor sanctions directly, such as warning, reprimand or minor fine, subject to the student's right of appeal as hereinafter described;

(c) That the college impose any of the disciplinary actions as provided in WAC 132Q-04-260; or

(d) Recommend to the president that the student be dismissed from college.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student conduct. The committee shall also advise the student of the right to present, within seven calendar days, a written statement to the president of the college appealing the recommendation of the college disciplinary committee.

[Statutory Authority: RCW 28B.50.140, 84-19-029 (Resolution No. 23), § 132Q-04-240, filed 9/14/84; Order 1-69, § 132Q-04-240, filed 12/8/69.]

WAC 132Q-04-250 Final decision regarding disciplinary action. (1) The president of the college or any representative designated, except the dean of student personnel services shall, after reviewing the record of the case, include in the report of the college disciplinary committee any statement filed by the student, approval of the recommendations of the college disciplinary committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed after the review provided by the above section, the president or a designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under legal age, written notice of any action involving dismissal or disciplinary action shall also be sent to parents or guardian of the student.

[Statutory Authority: RCW 28B.50.140, 84-19-029 (Resolution No. 23), § 132Q-04-250, filed 9/14/84; Order 1-69, § 132Q-04-250, filed 12/8/69.]

WAC 132Q-04-260 Disciplinary action. The following disciplinary actions are hereby established and

shall be the sanctions imposed upon violators of the rules of student conduct:

(a) **Disciplinary warning:** Notice to a student, either verbally or in writing, that the student has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below and on the next page.

(b) **Reprimand:** Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of student personnel services. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below and on the next page.

(c) **Disciplinary probation:** Formal action placing conditions upon the student's continued attendance for violation of rules of student conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(d) **Dismissal:** Termination of student status for violation of the rules of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(e) **Fines:** The office of student personnel services may assess monetary fines against individual students for violation of the rules of student conduct. Failure to pay such fines promptly will result in the cancellation of the student's registration and will prevent the student from reregistering.

[Statutory Authority: RCW 28B.50.140, 84-19-029 (Resolution No. 23), § 132Q-04-260, filed 9/14/84; Order 70-1, § 132Q-04-260, filed 9/22/70; Order 1-69, § 132Q-04-260, filed 12/8/69.]

WAC 132Q-04-270 Readmission after dismissal. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the office which initiated the action resulting in his dismissal. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions dismissing students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before readmission is granted.

[Order 1-69, § 132Q-04-270, filed 12/8/69.]

WAC 132Q-04-280 Reporting, recording and maintenance of records. (1) Records of all disciplinary cases shall be kept by the office of student personnel services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student personnel services shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

[Statutory Authority: RCW 28B.50.140. 84-19-029 (Resolution No. 23), § 132Q-04-280, filed 9/14/84; Order 74-1, § 132Q-04-280, filed 9/23/74; Order 1-69, § 132Q-04-280, filed 12/8/69.]

Chapter 132Q-05 WAC SUMMARY SUSPENSION RULES

WAC

132Q-05-010	Purpose of summary suspension rules.
132Q-05-020	Definitions.
132Q-05-030	Jurisdiction.
132Q-05-040	Initiation of summary suspension proceedings.
132Q-05-050	Notice of summary proceedings.
132Q-05-060	Procedures of summary suspension hearing.
132Q-05-070	Decision by dean of student personnel services.
132Q-05-080	Notice of suspension.
132Q-05-090	Suspension for failure to appear.
132Q-05-100	Appeal.
132Q-05-110	Summary suspension proceedings not duplicitious.
132Q-05-120	Reporting, recording and maintenance of records.

WAC 132Q-05-010 Purpose of summary suspension rules. (1) The board of trustees of Washington State Community College District No. 17 recognizes the need to provide the college's administrators with a summary system of student discipline that can swiftly and fairly respond to immediate disorder on campus facilities within the district. The board further desires to create and operate such a system within the framework of fundamental due process as presently embodied in the historic notions embodied in the jurisprudential tool of the temporary restraining order. Therefore the board adopts the following rules.

(2) It is to be understood, however, that nothing within the rules adopted in chapter 132Q-05 WAC shall be construed to supplant the provisions of the rules of conduct and procedures of enforcement embodied in chapter 132Q-04 WAC and the student disciplinary

system created therein. Rather, the provisions of the rules of this chapter shall be deemed to be supplementary to the rules of student conduct by providing a method of suspension during the pendency of the investigation and prosecution for student violations that will be subsequently heard on their merits pursuant to the system embodied in the said rules of student conduct.

[Order 1-69, § 132Q-05-010, filed 12/8/69.]

WAC 132Q-05-020 Definitions. As used in this chapter, 132Q-05 WAC, the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Community College District No. 17, state of Washington.

(2) "College" shall mean Spokane Community College and any other community college which may be created by the board of trustees of Community College District No. 17, state of Washington.

(3) "College facilities" shall mean and include any or all real property owned or operated by the board of trustees of Community College District No. 17, state of Washington, and shall include all building and appurtenances affixed thereon or attached thereto.

(4) "District" shall mean Community College District No. 17, state of Washington.

(5) "President", unless otherwise designated, shall mean the duly appointed president or chief executive officer of any campus within Washington state Community District No. 17, state of Washington.

(6) "Rules of student conduct" shall mean those rules regulating student conduct as adopted in chapter 132Q-04 WAC.

(7) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees for Community College District No. 17, state of Washington.

[Order 1-69, § 132Q-05-020, filed 12/8/69.]

WAC 132Q-05-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student attending a community college within the district whenever said student is engaged in or present at any college-related activity whether occurring on or off college facilities.

[Order 70-2, § 132Q-05-030, filed 9/22/70; Order 1-69, § 132Q-05-030, filed 12/8/69.]

WAC 132Q-05-040 Initiation of summary suspension proceedings. If the president, or in his absence his designee, has cause to believe that any student has violated any law of the state or the United States, or any of the rules of student conduct contained in chapter 132Q-04 WAC, and the president or his designee also has further cause to believe that the student's violation involves:

(a) Participation in any mass protest or demonstration violative of WAC 132Q-04-100, and that immediate disciplinary action is necessary to restore order on any college campus; or

(b) Violation of any other rule of student conduct and there also appears to be a significant probability that

said violation or violations will continue to the great injury of the college, so as to render the disciplinary proceeding process contained in chapter 132Q-04 WAC ineffectual.

Then the president or his designee shall, pursuant to the following rules, have authority to suspend said student for a maximum of the ten days prior to any subsequent disciplinary proceeding initiated under the rules of student conduct contained in chapter 132Q-04 WAC.

[Order 1-69, § 132Q-05-040, filed 12/8/69.]

WAC 132Q-05-050 Notice of summary proceedings. (1) If the president desires to exercise the authority conferred by WAC 132Q-05-040 against any student, he shall direct the dean of student personnel services to cause notice thereof to be served upon said student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon said student.

(2) The notice shall be entitled "notice of summary suspension proceeding" and shall state:

(a) The charges against the student, including reference to the law and/or rules of student conduct involved and

(b) That the student charged must appear before the dean of student personnel services or the dean's designee at a time to be set by the dean, but not later than 24 hours from the date and time of receipt of the "notice of summary suspension proceeding."

[Order 1-69, § 132Q-05-050, filed 12/8/69.]

WAC 132Q-05-060 Procedures of summary suspension hearing. (1) At the summary suspension hearing, the college, through the office of the dean of student personnel services or the dean's designee, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur.

(2) The student may offer oral testimony of himself or of any person, submit any statement or affidavit on his own behalf, examine any affidavit and cross-examine any witness who may appear against him, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The dean of student personnel services shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of student conduct has occurred, pursuant to WAC 132Q-05-040 (a) or (b). In the course of making such a decision, said dean may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of student conduct and oral testimony and affidavits submitted by the student charged.

[Order 70-2, § 132Q-05-060, filed 9/22/70; Order 1-69, § 132Q-05-060, filed 12/8/69.]

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WAC 132Q-05-070 Decision by dean of student personnel services. If the dean of student personnel services, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of the rules of student conduct are alleged has committed one or more such violations upon any college facility; and

(b) That summary suspension of said student is necessary to attain peace and order on the campus; and

(c) Such violation or violations of the law or of the rules of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132Q-04-260,

Then the dean of student personnel services may, with the written approval of the president, suspend such student from college for a maximum of ten days.

[Order 1-69, § 132Q-05-070, filed 12/8/69.]

WAC 132Q-05-080 Notice of suspension. (1) If a student is suspended for ten days pursuant to the above rules, said student will be provided with a written copy of the dean of student personnel services' findings of fact and conclusions, as expressly concurred in by the president, as to whether said dean had probable cause to believe that the conditions for summary suspension outlines in WAC 132Q-05-040 exists and whether immediate suspension of said student should issue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective for a ten day period dating from the day the notice of suspension is mailed or personal service accomplished.

[Order 1-69, § 132Q-05-080, filed 12/8/69.]

WAC 132Q-05-090 Suspension for failure to appear. If the student against whom specific violations of the rules of student conduct or law have been alleged has been served pursuant to the notice required in WAC 132Q-05-050, fails to appear at the time designated for the summary suspension proceeding, the dean of student personnel services may, with the written concurrence of the president, suspend the student from college for a maximum amount of ten days.

[Order 1-69, § 132Q-05-090, filed 12/8/69.]

WAC 132Q-05-100 Appeal. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the findings of the dean of personnel services and the president, is tendered at the office of the president within 72 hours following the date notice of summary suspension was served or mailed to the student.

(2) The board shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean and president, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board of trustees may, at its discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the rules of student conduct.

(3) The board shall notify the appealing student within 48 hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the rules of student conduct.

[Order 1-69, § 132Q-05-100, filed 12/8/69.]

WAC 132Q-05-110 Summary suspension proceedings not duplicitous. (1) As indicated in WAC 132Q-05-010, the summary suspension proceeding shall in no way substitute for the disciplinary proceedings provided for in the rules of student conduct, chapter 132Q-04 WAC. At the end of the ten day suspension, the student suspended shall be reinstated to his full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the rules of student conduct or these rules of summary suspension.

(2) Any disciplinary proceeding initiated against the student because of violations alleged against any student in the course of the summary suspension proceeding provided for herein, shall be de novo; provided, that the records made and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for the use of the student and of the college in a disciplinary proceeding initiated under the rules of student conduct.

[Order 1-69, § 132Q-05-110, filed 12/8/69.]

WAC 132Q-05-120 Reporting, recording and maintenance of records. (1) Records of all summary suspension hearings shall be kept in the office of student personnel services. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in summary suspension proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of the exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student personnel services shall keep accurate records of all summary suspension proceedings taken by that office. All summary suspensions will be entered on the student's record and may be removed at the time of graduation or earlier at the discretion of the office of student personnel services.

(3) In any case in which a student, summarily suspended pursuant to these rules is subsequently exonerated in the course of disciplinary proceedings provided

for in the rules of student conduct, all records related to the summary suspension of the student shall be removed from the student's record. The office of student personnel services shall be responsible for such removal.

(4) Any failure by the college to remove records of the summary suspension proceeding when such is to be done pursuant to this section, may be cured by a student petitioning the office of student personnel services for removal of such a notation.

[Order 74-1, § 132Q-05-120, filed 9/23/74; Order 1-69, § 132Q-05-120, filed 12/8/69.]

Chapter 132Q-06 WAC

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

WAC

132Q-06-010	Confidentiality of student records.
132Q-06-015	Definition of a student.
132Q-06-020	Education records—Student's right to inspect.
132Q-06-025	Requests and appeal procedures.
132Q-06-030	Release of personally-identifiable records.
132Q-06-035	College records.
132Q-06-040	Records committee.

WAC 132Q-06-010 Confidentiality of student records. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that Public Law 93-380, the Family Educational Rights and Privacy Act of 1974 states the college adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

[Order 76-1, § 132Q-06-010, filed 1/26/76.]

WAC 132Q-06-015 Definition of a student. A student is defined as any person who is or has been officially registered at any college with Community College District No. 17 and with respect to whom the college maintains education records or personally-identifiable information.

[Order 76-1, § 132Q-06-015, filed 1/26/76.]

WAC 132Q-06-020 Education records—Student's right to inspect. (1) A student has the right to inspect and review his education records. A list of the types of education records maintained by the college and the record locations may be obtained by the student at the college's dean of student's office.

(a) For purposes of this section the term "education records" means those records, files, documents and other materials which contain information directly related to a student.

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

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

(ii) Records of the campus security department which are kept apart from those records described in WAC 132Q-06-020 (1)(a) and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose.

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

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in paragraphs (b), (c) and (d) of this section.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

- (i) Admission to any educational institution; or
- (ii) An application for employment; or
- (iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right of access to confidential statements shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under WAC 132Q-06-020 (2)(a). Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of trustees' action for certain specified services, such as transcripts and grade sheets).

(5) The dean of students is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 132Q-06-020 and 132Q-06-025 be removed or destroyed prior to providing the student access.

[Order 76-1, § 132Q-06-020, filed 1/26/76.]

WAC 132Q-06-025 Requests and appeal procedures. (1) A request by a student for review of information should be made in writing to the college individual(s) or office(s) having custody of the particular record.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual(s) or office(s) which is unable to comply with a student's request within the above-state time period shall inform the student of that fact and the reasons in writing.

(3) (a) A student who feels that his or her request has not been properly answered by a particular individual(s) or office(s) should contact the appropriate dean or director responsible for the individual(s) or office(s) for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean or director, the student may then request a hearing by the college records committee. Following the hearing the college's records committee shall render its decision within a reasonable period of time. In all cases the decision of the college's records committee shall be final.

(c) In no case shall any request for review by a student be considered by the college's records committee which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college's records committee shall not review any matter regarding the appropriateness of official academic grades.

[Order 76-1, § 132Q-06-025, filed 1/26/76.]

WAC 132Q-06-030 Release of personally-identifiable records. (1) The college shall not permit access to

or the release of education records or personally-identifiable information contained therein, other than "directory information" without the written consent of the student, to any party other than the following:

(a) College staff, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

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

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

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

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

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by WAC 132Q-06-030 (1)(b), (c), (d), (e) and (f), the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the

college and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 132Q-06-030 (1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in WAC 132Q-06-030(1) is defined as student's name, address, telephone number, date and place of birth, major field of studies, participation in officially-recognized activities in sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the college not release directory information except through written notice to the dean of student's office.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

[Order 76-1, § 132Q-06-030, filed 1/26/76.]

WAC 132Q-06-035 College records. All college individual(s) or office(s) which have custody of education records will develop procedures in accord with WAC 132Q-06-010 through 132Q-06-040. Any supplementary regulations found necessary by departments will be filed with the college's records committee, which will be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or associations.

[Order 76-1, § 132Q-06-035, filed 1/26/76.]

WAC 132Q-06-040 Records committee. The college's records committee shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The committee shall also be responsible for hearing appeals as defined in WAC 132Q-06-025. The committee shall consist of the dean of students, dean of instruction or supervisor, two faculty, two students, and one faculty or administrator at large. Members shall be appointed by the president of the college.

[Order 76-1, § 132Q-06-040, filed 1/26/76.]

Chapter 132Q-08 WAC
REDUCTION IN FORCE FOR CLASSIFIED
PERSONNEL

WAC

132Q-08-010	Purpose of rules.
132Q-08-020	Definitions.
132Q-08-030	Initial procedures for reduction in force.
132Q-08-040	Initial order of layoff.
132Q-08-050	Options in lieu of layoff.
132Q-08-060	Procedures for establishing order of layoff and notice requirements.
132Q-08-070	Distribution of layoff notice.
132Q-08-080	Reemployment rights of laid off employees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER

132Q-08-090	Reemployment rights of laid off employees. [Order 70-5, § 132Q-08-090, filed 12/29/70.] Repealed by Order 71-6, filed 7/26/71. See WAC 132Q-08-080.
132Q-08-100	Organizational layoff units. [Order 70-5, § 132Q-08-100, filed 12/29/70.] Repealed by Order 71-6, filed 7/26/71.

WAC 132Q-08-010 Purpose of rules. Pursuant to direction of the higher education personnel board of the state of Washington, the board of trustees for Washington State Community College District No. 17 hereby establishes the procedures for reduction in force and the layoff of classified employees when such reductions or layoffs are required by lack of funds or curtailment of programs.

[Order 70-5, § 132Q-08-010, filed 12/29/70.]

WAC 132Q-08-020 Definitions. As used in this chapter, 132Q-08 WAC, the following words and phrases shall mean:

(1) "Appointing authority" shall mean the president of Washington State Community College District No. 17.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020 and chapter 251-10 WAC as promulgated by the Washington state higher education personnel board.

[Order 71-6, § 132Q-08-020, filed 7/26/71; Order 70-5, § 132Q-08-020, filed 12/29/70.]

WAC 132Q-08-030 Initial procedures for reduction in force. (1) When a reduction in force is required due to lack of funds or curtailment of programs, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on a district-wide basis.

[Order 71-6, § 132Q-08-030, filed 7/26/71; Order 70-5, § 132Q-08-030, filed 12/29/70.]

WAC 132Q-08-040 Initial order of layoff. The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

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(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of service. The employee having the least amount of such service shall be separated first and the employee having the greatest amount of service shall be separated last.

(3) Permanent status employees shall be laid off in inverse order of the period of service. The employee having the least amount of such service shall be separated first and the employee having the greatest amount of service shall be separated last. Length of service shall include all periods of probationary, trial service and permanent status employment in the classification and other classifications except as broken by termination of employment.

(4) Service shall not be considered broken during military or approved leaves of absence. The retention rights of veterans shall be determined in accordance with WAC 251-04-020(33) and 251-10-050.

[Order 71-6, § 132Q-08-040, filed 7/26/71; Order 70-5, § 132Q-08-040, filed 12/29/70.]

WAC 132Q-08-050 Options in lieu of layoff. (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) Permanent status employees, according to seniority, shall be offered employment options in classifications in which the employee has held permanent status; lower classifications in same class series for which the employee is qualified provided that the employee being replaced is the least senior in that classification and has less layoff seniority than the employee replacing him.

(3) No permanent status employee shall be separated through layoff without being offered those positions in classes for which he meets the minimum requirements and passes the qualifying examination currently being held by temporary provisional or probationary employees provided that all layoff option rights have been exhausted as provided in WAC 251-10-030(4).

(4) Eligible veterans and their unmarried widows as defined in WAC 251-10-050 shall be provided veterans preference.

[Order 71-6, § 132Q-08-050, filed 7/26/71; Order 70-5, § 132Q-08-050, filed 12/29/70.]

WAC 132Q-08-060 Procedures for establishing order of layoff and notice requirements. (1) The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) The personnel officer shall:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Promptly discuss options with the employees concerned, who in turn, shall inform him in writing as

quickly as possible but within five working days, whether they wish to exercise their option rights;

(c) Promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off. This written notice shall be served on the person who is to be laid off at least 15 calendar days prior to the effective date of the layoff.

(d) Advise each employee of his right to appeal his layoff per WAC 251-12-080.

[Order 71-6, § 132Q-08-060, filed 7/26/71; Order 70-5, § 132Q-08-060, filed 12/29/70.]

WAC 132Q-08-070 Distribution of layoff notice. Copies of all layoff notices shall be distributed as follows:

- The original to the employee,
- One copy to the supervisor's department files,
- One copy to the personnel office,
- One copy to the employee's bargaining agent.

[Order 71-6, § 132Q-08-070, filed 7/26/71; Order 70-5, § 132Q-08-070, filed 12/29/70.]

WAC 132Q-08-080 Reemployment rights of laid off employees. (1) Reduction in force lists are established by classification and maintained by the personnel officer. The name of an employee who has been laid off will appear on those employment lists for all classes in which he has held permanent status or in which he has held a probationary appointment or a trial service appointment; his name will also appear on those lists for all lower classifications in the same class series for which he is qualified.

(2) The personnel officer may extend or reestablish employment lists as long as these action do not jeopardize the reemployment of any employee separated by a reduction in force. Employees separated by reason of reduction in force shall have their names maintained on applicable eligible list for a period of not less than two years from the date of their termination. Prior to the expiration date of the eligible, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one additional year by written request to the personnel officer.

[Order 71-6, § 132Q-08-080, filed 7/26/71; Order 70-5, § 132Q-08-080, filed 12/29/70.]

Chapter 132Q-09 WAC PRACTICE AND PROCEDURE

WAC

132Q-09-001	Formal hearing policy.
132Q-09-005	Definitions.
132Q-09-010	Appearance and practice before agency.
132Q-09-080	Notice and opportunity for hearing in contested cases.
132Q-09-090	Service of process—By whom served.
132Q-09-100	Service of process—Upon whom served.
132Q-09-110	Service of process—Service upon parties.
132Q-09-120	Service of process—Method of service.

132Q-09-130	Service of process—When service complete.
132Q-09-140	Service of process—Filing with agency.
132Q-09-230	Depositions and interrogatories in contested cases—Right to take.
132Q-09-240	Depositions and interrogatories in contested cases—Scope.
132Q-09-250	Depositions and interrogatories in contested cases—Officer before whom taken.
132Q-09-260	Depositions and interrogatories in contested cases—Authorization.
132Q-09-270	Depositions and interrogatories in contested cases—Protection of parties and deponents.
132Q-09-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination.
132Q-09-290	Depositions and interrogatories in contested cases—Recordation.
132Q-09-300	Depositions and interrogatories in contested cases—Signing attestation and return.
132Q-09-310	Depositions and interrogatories in contested cases—Use and effect.
132Q-09-320	Depositions and interrogatories in contested cases—Fees of officers and deponents.
132Q-09-330	Depositions upon interrogatories—Submission of interrogatories.
132Q-09-340	Depositions upon interrogatories—Interrogation.
132Q-09-350	Depositions upon interrogatories—Attestation and return.
132Q-09-360	Depositions upon interrogatories—Provisions of deposition rule.
132Q-09-400	Hearing officers.
132Q-09-410	Hearing procedures.
132Q-09-420	Duties of hearing officers.
132Q-09-430	Stipulations and admissions of record.
132Q-09-440	Definition of issues before hearing.
132Q-09-450	Continuances.
132Q-09-460	Rules of evidence—Admissibility criteria.
132Q-09-470	Tentative admission—Exclusion—Discontinuance—Objections.
132Q-09-480	Form and content of decisions in contested cases.

WAC 132Q-09-001 Formal hearing policy. In each instance that a formal hearing is required by institutional policy, regulation or chapter 28B.19 RCW, the provisions of WAC 132Q-09-001 through 132Q-09-480 shall be applicable.

[Order 72-4, § 132Q-09-001, filed 4/25/72.]

WAC 132Q-09-005 Definitions. As used herein, the term "agency" shall mean the board of trustees of Community College District No. 17, Spokane Falls Community College and Spokane Community College.

[Order 72-4, § 132Q-09-005, filed 4/25/72.]

WAC 132Q-09-010 Appearance and practice before agency. No person may appear in a representative capacity before the agency other than the following:

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

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

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who

have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

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

[Order 72-4, § 132Q-09-010, filed 4/25/72.]

WAC 132Q-09-080 Notice and opportunity for hearing in contested cases. In any contested case all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Spokane Falls Community College or Spokane Community College, as the case may be, or his designee and shall state the time, place and issues involved as required by RCW 28B.19.120.

[Order 72-4, § 132Q-09-080, filed 4/25/72.]

WAC 132Q-09-090 Service of process--By whom served. The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Order 72-4, § 132Q-09-090, filed 4/25/72.]

WAC 132Q-09-100 Service of process--Upon whom served. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Order 72-4, § 132Q-09-100, filed 4/25/72.]

WAC 132Q-09-110 Service of process--Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Order 72-4, § 132Q-09-110, filed 4/25/72.]

WAC 132Q-09-120 Service of process--Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail or by telegraph.

[Order 72-4, § 132Q-09-120, filed 4/25/72.]

WAC 132Q-09-130 Service of process--When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed, by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Order 72-4, § 132Q-09-130, filed 4/25/72.]

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WAC 132Q-09-140 Service of process--Filing with agency. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the President of either Spokane Falls Community College or Spokane Community College, as the case may be, at Spokane, Washington, accompanied by proof of service upon parties required to be served.

[Order 72-4, § 132Q-09-140, filed 4/25/72.]

WAC 132Q-09-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule.

[Order 72-4, § 132Q-09-230, filed 4/25/72.]

WAC 132Q-09-240 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Order 72-4, § 132Q-09-240, filed 4/25/72.]

WAC 132Q-09-250 Depositions and interrogatories in contested cases--Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, of a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings.

[Order 72-4, § 132Q-09-250, filed 4/25/72.]

WAC 132Q-09-260 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any

manner and when so taken may be used as other depositions.

[Order 72-4, § 132Q-09-260, filed 4/25/72.]

WAC 132Q-09-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency or its designee may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Order 72-4, § 132Q-09-270, filed 4/25/72.]

WAC 132Q-09-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Order 72-4, § 132Q-09-280, filed 4/25/72.]

WAC 132Q-09-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under

his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Order 72-4, § 132Q-09-290, filed 4/25/72.]

WAC 132Q-09-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Order 72-4, § 132Q-09-300, filed 4/25/72.]

WAC 132Q-09-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Order 72-4, § 132Q-09-310, filed 4/25/72.]

WAC 132Q-09-320 Depositions and interrogatories in contested cases--Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Order 72-4, § 132Q-09-320, filed 4/25/72.]

WAC 132Q-09-330 Depositions upon interrogatories--Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Order 72-4, § 132Q-09-330, filed 4/25/72.]

WAC 132Q-09-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 132Q-09-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Order 72-4, § 132Q-09-340, filed 4/25/72.]

WAC 132Q-09-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall:

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

(2) Promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Order 72-4, § 132Q-09-350, filed 4/25/72.]

WAC 132Q-09-360 Depositions upon interrogatories--Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Order 72-4, § 132Q-09-360, filed 4/25/72.]

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WAC 132Q-09-400 Hearing officers. In each instance that a formal hearing is required by institutional policy or chapter 28B.19 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter 28B.19 RCW, the chairman, vice chairman, or another member of the board of trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusion of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter 28B.19 RCW.

[Order 72-4, § 132Q-09-400, filed 4/25/72.]

WAC 132Q-09-410 Hearing procedures. Each hearing shall be conducted in the manner provided for in these rules and in chapter 28B.19 RCW.

[Order 72-4, § 132Q-09-410, filed 4/25/72.]

WAC 132Q-09-420 Duties of hearing officers. (1) All hearing officers appointed in accordance with WAC 132Q-09-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board of trustees as set forth in these rules and in chapter 28B.19 RCW: *Provided*, That hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the board of trustees, together with a record of the proceeding. Within ten days of service of such proposal for decisions, any party adversely affected may file exceptions and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken.

(3) If a hearing officer is designated by the board of trustees of Community College District No. 17 to conduct a hearing pursuant of these rules, the board in its discretion may allow oral or written argument before making a final adjudication of the matter after it has received the proposal from the hearing officer. The board may limit the length of oral or written argument and impose reasonable limitations regarding the time and place of where arguments may be presented.

[Order 72-4, § 132Q-09-420, filed 4/25/72.]

WAC 132Q-09-430 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made,

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

(2) **Withdrawal.** Any part bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Order 72-4, § 132Q-09-430, filed 4/25/72.]

WAC 132Q-09-440 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matter only.

[Order 72-4, § 132Q-09-440, filed 4/25/72.]

WAC 132Q-09-450 Continuances. Any party who desires a continuance, shall immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction or additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Order 72-4, § 132Q-09-450, filed 4/25/72.]

WAC 132Q-09-460 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Order 72-4, § 132Q-09-460, filed 4/25/72.]

WAC 132Q-09-470 Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may

be received subject to a later ruling. The agency may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Order 72-4, § 132Q-09-470, filed 4/25/72.]

WAC 132Q-09-480 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial or final, shall:

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

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

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

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

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

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Order 72-4, § 132Q-09-480, filed 4/25/72.]

Chapter 132Q-12 WAC

AUTHORITY TO HIRE AND DISMISS CLASSIFIED EMPLOYEES

WAC

132Q-12-010 Designation of appointing authority.

WAC 132Q-12-010 Designation of appointing authority. Pursuant to WAC 251-04-020(2), the position of "appointing authority" at Community College District No. 17 is designated to be:

(1) The president of Washington State Community College District No. 17, who is hereby delegated the authority to terminate, suspend or demote any classified employee employed by any of the district colleges, without the prior approval of the district board of trustees.

(2) In addition, the appointing authority for the district colleges is authorized to make appointments of eligible persons to classified positions at the respective district colleges.

[Order 70-4, § 132Q-12-010, filed 1/25/71.]

Chapter 132Q-16 WAC

ELECTIONS

WAC

132Q-16-003 Purpose.

132Q-16-006 Request for election—Canvass of certificated employees by independent and neutral person or association.

132Q-16-009 Notice of election—Organizations to be included on ballot—Time for filing.

- 132Q-16-012 Contents of notice of election—Designation of chief election officer—Duties.
- 132Q-16-015 List of certificated employees—Posting of list.
- 132Q-16-018 Election inspectors—Duties—Right to challenge voter—Improper conduct.
- 132Q-16-021 Ballots.
- 132Q-16-024 Record of vote—Signature—Challenge.
- 132Q-16-027 Incorrectly marked ballot.
- 132Q-16-030 Privacy for voter—Equipment.
- 132Q-16-033 Folding ballot—Ballot box.
- 132Q-16-036 Challenged ballot—Procedure.
- 132Q-16-039 Employees present entitled to vote—Sealing ballot box—Unused ballots.
- 132Q-16-042 Election inspectors duties after voting has terminated.
- 132Q-16-045 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.
- 132Q-16-048 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
- 132Q-16-051 Electioneering within the polls forbidden.
- 132Q-16-054 Contest of election—Time for filing objections—Investigation of objections.
- 132Q-16-057 Persons eligible to vote—Definition "certificated employee."
- 132Q-16-060 Election determined by majority of valid votes cast—Run-off election.
- 132Q-16-063 Time lapse for new election.

WAC 132Q-16-003 Purpose. Pursuant to chapter 143, Laws of 1965, the board of trustees of Community College District No. 17 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees of Community College District No. 17 and the board of trustees of Community College District No. 17.

[Order 71-5, § 132Q-16-003, filed 7/26/71.]

WAC 132Q-16-006 Request for election—Canvass of certificated employees by independent and neutral person or association. Any organization of certificated employees of Community College District No. 17 desiring to be recognized as the majority organization representing such employees pursuant to chapter 143, Laws of 1965, RCW 28.72.010 - 28.72.090, shall request in writing of the board of trustees of Community College District No. 17 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. 17 will request some independent and neutral person or association to determine whether twenty percent or more of the certificated employees of Community College District No. 17 or forty percent of the certificated employees of either college in Community College District No. 17 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 memberships, signed authorizations to represent, or other reliable and probative evidence.

[Order 71-5, § 132Q-16-006, filed 7/26/71.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223,

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Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132Q-16-009 Notice of election—Organizations to be included on ballot—Time for filing. If the independent and neutral person or association determines that twenty percent or more of the certificated employees of Community College District No. 17 or forty percent of the certificated employees of either college in Community College District No. 17 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 17 will publish a notice that it will hold an election as soon as practical to determine whether the certificated employees of Community College District No. 17 desire the requesting organization or any other organization to represent them for the purpose of chapter 143, Laws of 1965, RCW 28.72.010 - 28.72.090. Any other organization of certificated 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. 17, 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 within seven days after the publication of the notice that an election will be held.

[Order 71-5, § 132Q-16-009, filed 7/26/71.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132Q-16-012 Contents of notice of election—Designation of chief election officer—Duties. The notice published by the board of trustees of Community College District No. 17, pursuant to WAC 132Q-16-009, shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules.

[Order 71-5, § 132Q-16-012, filed 7/26/71.]

WAC 132Q-16-015 List of certificated employees—Posting of list. In any election conducted pursuant to these rules, lists of certificated employees eligible to vote shall be prepared by the board of trustees listing certificated employees by voting places. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of a certificated employee to vote in the election.

[Order 71-5, § 132Q-16-015, filed 7/26/71.]

WAC 132Q-16-018 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 result of the voting at the polling place at which they serve as observers.

[Order 71-5, § 132Q-16-018, filed 7/26/71.]

WAC 132Q-16-021 Ballots. The ballots used in any election held pursuant to his part shall be in the following form:

To select for representation purposes pursuant to chapter 143, Laws of Washington, 1965, a majority organization to represent certificated employees of Community College District No. 17.

	Vote for one
ORGANIZATION X	<input type="checkbox"/>
ORGANIZATION Y	<input type="checkbox"/>
NO ORGANIZATION	<input type="checkbox"/>

Do not sign your name or put other identifying marks on this ballot.

[Order 71-5, § 132Q-16-021, filed 7/26/71.]

WAC 132Q-16-024 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 certificated 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 71-5, § 132Q-16-024, filed 7/26/71.]

WAC 132Q-16-027 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 71-5, § 132Q-16-027, filed 7/26/71.]

WAC 132Q-16-030 Privacy for voter--Equipment. Voters shall be provided with tables or desks so arranged that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it.

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[Order 71-5, § 132Q-16-030, filed 7/26/71.]

WAC 132Q-16-033 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 ballot box provided at the designated voting place.

[Order 71-5, § 132Q-16-033, filed 7/26/71.]

WAC 132Q-16-036 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 71-5, § 132Q-16-036, filed 7/26/71.]

WAC 132Q-16-039 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 71-5, § 132Q-16-039, filed 7/26/71.]

WAC 132Q-16-042 Election inspectors 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 certificated employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast.

[Order 71-5, § 132Q-16-042, filed 7/26/71.]

WAC 132Q-16-045 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 ballot shall be counted as cast.

[Order 71-5, § 132Q-16-045, filed 7/26/71.]

WAC 132Q-16-048 Counting of ballots--Procedure--Certification of results of election--Retention of ballots--Signed voting lists. When ballot 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 certificated employees shall be kept by the chief election officer or some person designated by him for one year after the election.

[Order 71-5, § 132Q-16-048, filed 7/26/71.]

WAC 132Q-16-051 Electioneering within the polls forbidden. No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

[Order 71-5, § 132Q-16-051, filed 7/26/71.]

WAC 132Q-16-054 Contest of election--Time for filing objections--Investigation of objections. Any organization, the name of which appears on the ballot, or any certificated employee may within five 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 132Q-16-012 of this part. The 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 71-5, § 132Q-16-054, filed 7/26/71.]

WAC 132Q-16-057 Persons eligible to vote--Definition "certificated employee." An employee of Community College District No. 17 will be determined eligible to vote in the election as designated in section 2, chapter 143, Laws of 1965 (RCW 28.72.020). For the purposes

of this part, the term "certificated employee" means any person currently employed by Community College District No. 17 as a teacher, counselor, librarian or administrator except for the presidents of the district and the community colleges within the district.

[Order 71-5, § 132Q-16-057, filed 7/26/71.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132Q-16-060 Election determined by majority of valid votes cast--Run-off election. An organization of certificated 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 certificated employees of Community College District No. 17 pursuant to RCW 28.72.010 - 28.72.090. If more than one organization of certificated 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 71-5, § 132Q-16-060, filed 7/26/71.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132Q-16-063 Time lapse for new election. If no organization of certificated employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of certificated employees is selected as bargaining representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

[Order 71-5, § 132Q-16-063, filed 7/26/71.]

Chapter 132Q-20 WAC PARKING AND TRAFFIC CONTROL

WAC

132Q-20-010	Purpose for adopting rules.
132Q-20-020	Definitions.
132Q-20-030	Applicable traffic rules and regulations.
132Q-20-040	Permits required for vehicles on campus.
132Q-20-050	Authorization for issuance of permits.
132Q-20-060	Valid permit.
132Q-20-070	Display of permit.
132Q-20-080	Transfer of permits.
132Q-20-090	Permit revocation.
132Q-20-100	Right to refuse permit.
132Q-20-110	Right to appeal permit revocation or refusal to grant permit.
132Q-20-120	Responsibility of person to whom permit issued.
132Q-20-130	Designation of parking space.

132Q-20-140	Parking within designated spaces.
132Q-20-150	Day parking.
132Q-20-160	Night parking.
132Q-20-170	Regulatory signs and directions.
132Q-20-180	Speed.
132Q-20-190	Pedestrian's right of way.
132Q-20-200	Special traffic and parking regulations and restrictions authorized.
132Q-20-210	Two-wheeled motor bikes or bicycles.
132Q-20-220	Report of accidents.
132Q-20-230	Exceptions from traffic and parking restrictions.
132Q-20-240	Enforcement.
132Q-20-250	Issuance of traffic tickets.
132Q-20-260	Fines and penalties.
132Q-20-270	Liability of college.
132Q-20-280	Delegation of authority.
132Q-20-290	Effective date.
132Q-20-300	Severability.

WAC 132Q-20-010 Purpose for adopting rules. Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District No. 17 is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated or maintained by the college district. The rules and regulations contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic; and
- (2) To assure access at all times for emergency traffic; and
- (3) To minimize traffic disturbance during class hours; and
- (4) To facilitate the work of the community colleges of the district by assuring access to their vehicles and to assign the limited parking space for the most efficient use of its vehicles.

[Order 71-4, § 132Q-20-010, filed 7/26/71.]

WAC 132Q-20-020 Definitions. As used in this chapter the following words and phrases shall mean:

- (1) "Board" shall mean the board of trustees of Community College District No. 17, state of Washington.
- (2) "Campus" shall mean any or all real property owned, operated or maintained by Community College District No. 17, state of Washington.
- (3) "Dean of students" shall mean the dean of student personnel services of Spokane Community College or Spokane Falls Community College.
- (4) "College" shall mean Spokane Community College or Spokane Falls Community College and any other community college centers or facilities established within Community College District No. 17.
- (5) "Faculty members" shall mean any employee of Community College District No. 17 who is certified to teach in a community college in the state of Washington.
- (6) "Campus patrolman" shall mean an employee of the college, or a law enforcement student, who is responsible to the dean of students for campus security.
- (7) "Staff" shall mean the classified employees of Washington state Community College District No. 17.

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(8) "Student" shall mean any person who is enrolled in any community college operated by Washington state Community College District No. 17.

(9) "Vehicle" shall mean an automobile, truck, motor driven cycle, scooter, or any vehicle empowered by a motor.

(10) "Visitors" shall mean any person or persons, excluding students as defined above, who come upon the campus as guests and any person or persons who lawfully visit the campus for purposes which are in keeping with the colleges' role as institutions of higher learning in the state of Washington.

(11) "Permanent permits" shall mean permits which are valid for a school term.

(12) "School term" shall mean, unless otherwise designated, the time period commencing with fall quarter of a community college teaching year and extending through subsequent quarters until the start of the following fall quarter.

(13) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit.

[Order 72-5, § 132Q-20-020, filed 10/9/72; Order 71-4, § 132Q-20-020, filed 7/26/71.]

WAC 132Q-20-030 Applicable traffic rules and regulations. The other traffic rules and regulations which are also applicable upon the campuses are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington; and
- (2) The traffic code of the city of Spokane, Washington.

[Order 71-4, § 132Q-20-030, filed 7/26/71.]

WAC 132Q-20-040 Permits required for vehicles on campus. Students, faculty members, staff members, guests and visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132Q-20-050, except guests and visitors who will be given a reasonable time to secure a temporary permit from the dean of students or his designee. Failure to obtain a permit shall be grounds for disciplinary action. The fee for the parking permit shall be established from time to time by the board of trustees of Community College District No. 17 and shall be published in the student handbook.

[Order 73-4, § 132Q-20-040, filed 2/23/73; Order 71-4, § 132Q-20-040, filed 7/26/71.]

WAC 132Q-20-050 Authorization for issuance of permits. The dean of students, or his designee, is authorized to issue parking permits to students, faculty members, staff members, guests and visitors of the college pursuant to the following regulations:

- (1) A student may be issued a parking permit upon the registration of his vehicle with the college at the beginning of each school term.
- (2) Faculty and staff members may be issued parking permits upon the registration of their vehicles at the beginning of fall quarter: *Provided*, That new faculty and staff members employed during the regular academic

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year may be issued parking permits upon the registration of their vehicles at the time they begin their employment at the college.

(3) The dean of students, or his designee, may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

[Order 71-4, § 132Q-20-050, filed 7/26/71.]

WAC 132Q-20-060 Valid permit. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed;

(2) A short term parking permit authorized by the dean of students, or his designee, and properly displayed; or

(3) A special parking permit authorized by the dean of students, or his designee, and properly displayed; or

(4) A guest permit authorized by the dean of students or his designee and properly displayed; or

(5) A shop permit authorized by a vocational – technical instructor and properly displayed.

[Order 74-1, § 132Q-20-060, filed 9/23/74; Order 71-4, § 132Q-20-060, filed 7/26/71.]

WAC 132Q-20-070 Display of permit. All permanent parking permits shall be permanently affixed to the inside of the rear window on the lower left corner directly behind the driver. For convertibles and pickups with campers, permits must be placed in the lower right-hand corner of the front windshield, and for motorcycles, placed either on front shock absorbers or battery covers (flat surface) or toolbox covers (righthand side). Temporary permits shall be hung on the rear-view mirror in such a manner that they may be viewed through the front windshield.

(1) Expired permits shall be removed before the new permits are attached.

(2) Permits not displayed pursuant to the provisions of this section shall not be valid.

[Order 74-1, § 132Q-20-070, filed 9/23/74; Order 71-4, § 132Q-20-070, filed 7/26/71.]

WAC 132Q-20-080 Transfer of permits. Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

(1) Records permit number;

(2) Scrapes permit off the window;

(3) Brings permit or remnant to appropriate office, which office shall then issue the permit holder a new parking permit registered under a new number.

[Order 71-4, § 132Q-20-080, filed 7/26/71.]

WAC 132Q-20-090 Permit revocation. Parking permits are the property of the college and may be recalled by the dean of students for any of the following reasons:

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

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual; or

(3) Falsification on a parking permit application; or

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

[Order 71-4, § 132Q-20-090, filed 7/26/71.]

WAC 132Q-20-100 Right to refuse permit. The colleges reserve the right to refuse the issuance of a parking permit to anyone who has had a previous parking permit revoked.

[Order 71-4, § 132Q-20-100, filed 7/26/71.]

WAC 132Q-20-110 Right to appeal permit revocation or refusal to grant permit. When a parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the dean of students, or his designee, may be appealed by students pursuant to WAC 132Q-04-190; provided, however, that faculty, administrative staff, and classified staff of Community College District No. 17 shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations by the dean of student to the respective college presidents whose decision on the matter shall be final. Refusal to pay fines still existing after exhaustion of the appellate process shall be grounds for disciplinary action. In the case of students, failure to pay fines after the exhaustion of the appellate process shall be grounds for the college, in addition to disciplinary action, to deny admission for subsequent enrollment at either of the community colleges within Community College District No. 17.

[Order 73-4, § 132Q-20-110, filed 2/23/73; Order 71-4, § 132Q-20-110, filed 7/26/71.]

WAC 132Q-20-120 Responsibility of person to whom permit issued. The person to whom a parking permit is issued pursuant to the rules and regulations set forth in this chapter shall be responsible for all violations of said rules and regulations involving the vehicle; but such responsibility shall not relieve other persons who violate the rules and regulations established by this chapter by their conduct with vehicles registered with another permit holder.

[Order 71-4, § 132Q-20-120, filed 7/26/71.]

WAC 132Q-20-130 Designation of parking space. The parking space available on campus shall be designated and allocated by the dean of students, or his designee, in such manner as will best effectuate the objectives of the rules and regulations in this chapter.

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

(2) Student spaces will be so designated for their use; provided, physically handicapped students and others designated by the dean of students or his designee may be granted special permits to park in close proximity to the classrooms used by such students; and

(3) Parking spaces will be designated for use of visitors on campus.

(4) Time controlled parking spaces regulated by either parking meters or number coded coin slot boxes.

[Order 71-4, § 132Q-20-130, filed 7/26/71.]

WAC 132Q-20-140 Parking within designated spaces. (1) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(2) In areas marked for diagonal parking, vehicles shall be parked at a forty-five degree angle, facing in.

(3) In areas marked for parallel or right-angle parking, space or stall markings will be observed.

(4) 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.

(5) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132Q-20-130.

[Order 71-4, § 132Q-20-140, filed 7/26/71.]

WAC 132Q-20-150 Day parking. The rules and regulations pertaining to the use of certain parking permits in specific areas as contained in WAC 132Q-20-140 shall be in force during the hours from 7:00 a.m. to 6:00 p.m.

[Order 71-4, § 132Q-20-150, filed 7/26/71.]

WAC 132Q-20-160 Night parking. Night students and faculty members may park in any of the spaces or stalls designated in WAC 132Q-20-140 except visitors areas, on a first come, first served basis between the hours of 6:00 p.m. and 2:00 a.m.

[Order 71-4, § 132Q-20-160, filed 7/26/71.]

WAC 132Q-20-170 Regulatory signs and directions. The dean of students, or his designee, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be so made and placed as in the opinion of the dean of students, or his designee, will best effectuate the objectives stated in WAC 132Q-20-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrolman in the control and regulation of traffic.

[Order 71-4, § 132Q-20-170, filed 7/26/71.]

WAC 132Q-20-180 Speed. No vehicle shall be operated on the campuses at a speed in excess of twenty

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miles per hour in parking lots; or such lower speed as is reasonable and prudent in the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

[Order 71-4, § 132Q-20-180, filed 7/26/71.]

WAC 132Q-20-190 Pedestrian's 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, 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 slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

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

(4) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

[Order 71-4, § 132Q-20-190, filed 7/26/71.]

WAC 132Q-20-200 Special traffic and parking regulations and restrictions authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies, the dean of students or his designee, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132Q-20-010.

[Order 71-4, § 132Q-20-200, filed 7/26/71.]

WAC 132Q-20-210 Two-wheeled motor bikes or bicycles. (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for *motorcycles* only.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the dean of students or his designee.

[Order 71-4, § 132Q-20-210, filed 7/26/71.]

WAC 132Q-20-220 Report of accidents. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total of claimed damage to either or both vehicles exceeding \$100.00 shall immediately report such accident to the dean of students and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report.

[Order 71-4, § 132Q-20-220, filed 7/26/71.]

WAC 132Q-20-230 Exceptions from traffic and parking restrictions. These rules and regulations shall not apply to city, county, or state-owned emergency vehicles.

[Order 71-4, § 132Q-20-230, filed 7/26/71.]

WAC 132Q-20-240 Enforcement. (1) Enforcement of the parking rules and regulations will begin the first day of classes fall quarter and will continue through subsequent quarters until the start of the following fall quarter.

(2) The dean of students, or his designee, shall be responsible for the enforcement of the rules and regulations contained in this chapter. The dean of students is hereby authorized to delegate this responsibility to the campus patrolman or other subordinates.

[Order 72-5, § 132Q-20-240, filed 10/9/72; Order 71-4, § 132Q-20-240, filed 7/26/71.]

WAC 132Q-20-250 Issuance of traffic tickets. Upon the violations of any of the rules and regulations contained in this chapter, the dean of students, his designee or subordinates, may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license information, infraction, officer, and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

[Order 71-4, § 132Q-20-250, filed 7/26/71.]

WAC 132Q-20-260 Fines and penalties. The dean of students, or his designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2), fines will be levied for all violations of the regulations contained in this chapter.

(2) Vehicles which are parked on any campus within Community College District No. 17 and which are in violation of any of the regulations contained in this chapter 132Q-20 WAC, may be impounded or detained by use of mechanical devices at the discretion of the dean of students. If a vehicle is impounded, it may be taken to such place for storage as the dean of students, or his designee, 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.

(3) At the discretion of the dean of students, an accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of students shall initiate disciplinary proceedings against such student pursuant to WAC 132Q-04-170 and 132Q-04-180.

(4) A schedule of fines shall be set and reviewed annually by a committee of students appointed by the dean of students. This schedule shall be published in the student handbook, quarterly schedule, summary of parking regulations, and traffic summons form.

[Order 72-2, § 132Q-20-260, filed 2/7/72; Order 71-4, § 132Q-20-260, filed 7/26/71.]

WAC 132Q-20-270 Liability of college. The college assumes no liability under any circumstance for vehicles parked on campus.

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[Order 71-4, § 132Q-20-270, filed 7/26/71.]

WAC 132Q-20-280 Delegation of authority. The authority and powers conferred upon the dean of students by these regulations shall be subject to delegation by him to his subordinates.

[Order 71-4, § 132Q-20-280, filed 7/26/71.]

WAC 132Q-20-290 Effective date. These regulations shall be effective on the date of filing with the code reviser.

[Order 71-4, § 132Q-20-290, filed 7/26/71.]

WAC 132Q-20-300 Severability. If any provision of chapter 132Q-20 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132Q-20 WAC shall continue in effect.

[Order 71-4, § 132Q-20-300, filed 7/26/71.]

Chapter 132Q-89 WAC COLLECTIVE BARGAINING RELATING TO TENURE

WAC
132Q-89-010 Tenure.

WAC 132Q-89-010 Tenure. This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is the declared policy of the board of trustees that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the state of Washington: Recommendations for tenure; reduction in force procedures; dismissal procedures; hearing procedures; rights of appeal.

[Statutory Authority: RCW 28B.50.852. 82-15-048 (Order 82-48, Resolution No. 20, § 132Q-89-010, filed 7/19/82.)

Chapter 132Q-94 WAC HEALTH AND SAFETY REGULATIONS

WAC
132Q-94-010 Declaration of purpose.
132Q-94-020 Rationale.
132Q-94-030 Students' responsibilities.
132Q-94-040 Personal protective equipment and clothing.
132Q-94-050 "Bridging" fuses prohibited.
132Q-94-060 Leakage of electricity shall be reported.
132Q-94-070 Safe standing room required.
132Q-94-080 Use of disconnected wires for starting machinery prohibited.
132Q-94-090 Students working on machines or appliances.
132Q-94-100 Machines shall be stopped when making repairs.
132Q-94-110 Hygiene.
132Q-94-120 Prohibiting unsafe acts or unhealthful practices.
132Q-94-130 Violations.
132Q-94-140 Severability.

WAC 132Q-94-010 Declaration of purpose. The board of trustees of Community College District No. 17 expressly finds by the adoption of the following health

and safety regulations that a need exists for the safe operation of equipment and machinery by students in facilities operated by Community College District No. 17. Additionally, the board of trustees finds that certain health regulations are necessary for the successful operation of certain classes and programs operated by Community College District No. 17 and that these rules, chapter 132Q-04 WAC shall apply to all students attending those community colleges operating within Community College District No. 17.

[Order 72-1, § 132Q-94-010, filed 1/28/72.]

WAC 132Q-94-020 Rationale. In adopting the herein-mentioned rules, the board of trustees of Community College District No. 17 specifically finds that the herein-mentioned health and safety rules are based on the following standards.

(1) Accident prevention is a problem of organization and education. It does not rest upon involved theory but consists largely of the desire to institute a common sense safety program and the determination to carry out the program effectively.

(2) Effective accident prevention embodies these five principles:

- (a) Instructor leadership
- (b) Student cooperation
- (c) Effective organization
- (d) Thorough training
- (e) Good supervision

(3) There is no organization too large or too small to enter into accident prevention activities; no place of work is entirely free from occupational hazards and no one is entirely free from the possibility of accidents.

(4) There should be no conflict between the Community College District No. 17 and the students in the field of accident prevention. Both stand to gain by an accident prevention program.

(5) All safety programs are for the benefit of both Community College District No. 17 and individual students enrolled in all programs operated by the district.

(6) The safety problem, therefore, is largely one of education, good supervision and the development of definite and continued interest in safety among students.

(7) There is a direct relationship between an orderly job and accident prevention. A well-kept operation with well-supervised students enhances the prevention of injury.

[Order 72-1, § 132Q-94-020, filed 1/28/72.]

WAC 132Q-94-030 Students' responsibilities. Each student attending those community colleges within Community College District No. 17 shall make it his individual responsibility to keep himself, his co-workers and his machine or equipment free from accidents to the best of his ability. In order that each student may be better qualified to cooperate with his fellow students and instructor in preventing accidents, he shall obey these and other safety rules governing his work:

(1) The student shall consider the benefits of accident prevention to himself and to his job and shall act accordingly.

(2) The student shall make an effort to understand his job.

(3) The student shall anticipate every way in which a man might be injured on the job and conduct his own work to avoid accident.

(4) The student shall be on the alert constantly for any unsafe condition or practice.

(5) The student shall report immediately to his supervisor any and all unsafe conditions and practices.

(6) The student shall ascertain from the supervisor where medical help may be obtained if it is needed.

(7) The student shall not engage in practical jokes and "horseplay" while attending classes or on the job.

(8) The student shall keep physically fit and obtain sufficient rest to be able to carry on the job.

(9) The student shall make a prompt report to the supervisor, first aid attendant or person in charge of every accident regardless of the degree of severity in which he is injured.

(10) The student shall be certain that after he has received appropriate instructions that he understands them completely before he starts to work.

(11) The student shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment and observe safe practice rules.

(12) The student shall not report to the job while he is under the influence of intoxicants or drugs and shall not use same while on the job.

[Order 72-1, § 132Q-94-030, filed 1/28/72.]

WAC 132Q-94-040 Personal protective equipment and clothing. (1) Goggles, mask shields or other prescribed face and eye protection shall be used by students who are engaged in welding, grinding, torch cutting, snagging or chipping, handling molten metals, acids or caustics, or who are exposed to harmful rays, dust or flying materials of any kind. Respirators or masks shall be used by students who are exposed to hazardous dusts, gases, fumes or mists, or to atmosphere deficient in oxygen. Hard hats shall be worn by students who work around or under scaffolds or other overhead structures or who are otherwise exposed to hazards of falling materials.

(2) Other personal safety equipment or clothing such as rubber gloves or rubber boots, leggings, aprons, safety belts, life lines, buoyant vests, safety shoes shall be used by students who are exposed to hazards where such devices may be expected to prevent injury.

(3) An instructor may require students and other shop participants to use any of the above-mentioned or other protective equipment and clothing when such equipment and clothing may reasonably be expected to prevent harm or injury. The cost of personal protective equipment and clothing shall be borne by the student or shop participant unless otherwise provided for by the college.

(4) Students working in the shops around machinery or in situations which present a hazard due to hair catching, fire or vision obstructions shall have hair or beards trimmed to within safe limits or shall wear caps or other type of head or face covering which completely

covers the hair. Caps with metal buttons or metal visors shall not be worn around electrical hazards.

(5) A student shall not wear torn or loose clothing while working around machinery.

[Order 72-1, § 132Q-94-040, filed 1/28/72.]

WAC 132Q-94-050 "Bridging" fuses prohibited. No student shall "bridge" a fuse or use other material other than a regular fuse for connecting up the circuit at a fuse box.

[Order 72-1, § 132Q-94-050, filed 1/28/72.]

WAC 132Q-94-060 Leakage of electricity shall be reported. All students shall upon receiving a shock from any part of electrical equipment supposed to be free from current, report the same.

[Order 72-1, § 132Q-94-060, filed 1/28/72.]

WAC 132Q-94-070 Safe standing room required. Students shall not stand on the ground or on a damp surface while opening or closing a switch or replacing a fuse or handling other live electrical equipment except signal equipment.

[Order 72-1, § 132Q-94-070, filed 1/28/72.]

WAC 132Q-94-080 Use of disconnected wires for starting machinery prohibited. Students shall not loosen or disconnect wires when starting machinery or turning off lights.

[Order 72-1, § 132Q-94-080, filed 1/28/72.]

WAC 132Q-94-090 Students working on machines or appliances. All students working on any machine or appliance shall be first properly instructed in how to stop the same in case of an emergency. If a student is not properly instructed in the above matter, it is his duty to request such instruction from a supervisor before he works on such machines or appliances. All students shall secure proper instruction as to manner of operation of any machine or appliance before attempting to operate the same. Instructors may refuse permission to operate such machine if a safety hazard is present.

[Order 72-1, § 132Q-94-090, filed 1/28/72.]

WAC 132Q-94-100 Machines shall be stopped when making repairs. All power-driven machinery shall be completely stopped and disconnected from the power source before any repairs or adjustments are made or pieces of material or refuse removed, except where motion is necessary to make the adjustment.

[Order 72-1, § 132Q-94-100, filed 1/28/72.]

WAC 132Q-94-110 Hygiene. All students working in food handling classes or in or around cafeterias, either as employees or as part of the course of instruction or who handle food in any manner or are part of a food preparation or service class or who are in any of the programs under the title of health occupations, shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working

periods. Additionally, the following requirements are hereby imposed on students working in the herein-mentioned areas:

(1) Hair shall be clean. Hair shall be short unless a hair net or cap or other effective hair restraint is used which will eliminate the possibility of contamination of food or medications.

(2) A student shall be well-groomed and wear clean, neat clothing. Hands and fingernails shall be clean.

(3) Hands shall be washed after each visit to the toilet and before starting to work.

[Order 72-1, § 132Q-94-110, filed 1/28/72.]

WAC 132Q-94-120 Prohibiting unsafe acts or unhealthful practices. Nothing contained in this chapter shall prohibit an instructor or supervisor from immediately prohibiting an unsafe practice which is not specifically outlined in this chapter. Additionally, any violation of sound health practices not specifically enumerated in this chapter shall not be permitted, and the instructor or supervisor in charge may prohibit such practices. In the event the instructor terminates any unsafe or unhealthful practice pursuant to this section, he shall immediately notify the dean of instruction of his action.

[Order 72-1, § 132Q-94-120, filed 1/28/72.]

WAC 132Q-94-130 Violations. Violations of the herein-mentioned rules and regulations based on health and safety standards within this chapter 132Q-94 WAC, shall be cause for disciplinary action under the provisions of chapter 132Q-94 WAC. Disciplinary proceedings shall be conducted in accordance with WAC 132Q-04-070 through 132Q-04-280.

[Order 72-1, § 132Q-94-130, filed 1/28/72.]

WAC 132Q-94-140 Severability. If any section or part of a section of this chapter shall for any cause be unconstitutional or unlawful, such holdings shall not affect the rest of this chapter or any other sections hereof.

[Order 72-1, § 132Q-94-140, filed 1/28/72.]

Chapter 132Q-113 WAC LEGISLATIVE LIAISONS

WAC

132Q-113-010 Designation of legislative liaisons.

132Q-113-020 Responsibility.

WAC 132Q-113-010 Designation of legislative liaisons. In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973, those persons holding the following positions within Community College District No. 17 are designated legislative liaisons for Community College District No. 17 and those community colleges contained within such community college district:

- (1) Members of the board of trustees;
- (2) District president;
- (3) College presidents;

(4) District administrative assistant; and

(5) All those persons designated in writing by the president of Community College District No. 17, which writing shall be made available among the records maintained by the office of the president of Community College District No. 17.

[Order 73-3, § 132Q-113-010, filed 2/23/73.]

WAC 132Q-113-020 Responsibility. Such persons designated in WAC 132Q-113-010 shall be responsible for making available through official channels requests for legislation or seeking such appropriations as the college may deem necessary for the official conduct of its business.

[Order 73-3, § 132Q-113-020, filed 2/23/73.]

Chapter 132Q-136 WAC USE OF DISTRICT FACILITIES

WAC

- 132Q-136-010 Use of district facilities—General policy and delegation.
- 132Q-136-020 Definitions.
- 132Q-136-030 Users.
- 132Q-136-040 Limitations.
- 132Q-136-050 Reservation, scheduling and approval procedure.
- 132Q-136-060 Safety and liability.

WAC 132Q-136-010 Use of district facilities—General policy and delegation. (1) Washington State Community College District 17 (the Community Colleges of Spokane) is an educational institution provided and maintained by the people of the state in order to carry out its mission pursuant to chapter 28B.50 RCW. The purpose of this policy is to assure that all facilities operated, owned or maintained by the district are reserved primarily for those activities which either are related directly to the district's mission or are otherwise justifiable on the basis of their contributions to the cultural, educational, economic or recreational interests of the state and its people.

(2) The board of trustees delegates to the chief executive officer and district president, or staff so designated by the chief executive officer, the authority to establish procedures for the regulation and review of the use of district facilities and to establish user fees where appropriate.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-010, filed 9/14/84.]

WAC 132Q-136-020 Definitions. As used in this chapter, the following terms shall have the following meaning:

(1) "Facilities" shall include all structures, building, grounds, parking lots, sidewalks and airspace owned or controlled by District 17.

(2) "District" or "District 17" shall include Spokane Community College, Spokane Falls Community College, the Institute of Extended Learning and any other college or organizational unit of Washington State Community

College District 17 hereafter established by the district board of trustees.

(3) "Use of facilities" shall include the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, charitable solicitation and any other activity which takes place in or on facilities owned or controlled by District 17.

(4) "Scheduling office" shall be the office within the organization of the district which is designated as the office responsible for scheduling a particular district facility. The designation of scheduling offices shall be made by the chief executive officer, or staff so designated by the chief executive officer, pursuant to WAC 132Q-136-010(2).

(5) "User fee" shall be the fee, if any, charged any user for the use of facilities, including a use fee, fees for special custodial, attendant or security services, fees for supervisor services, fees for the use of special district equipment in conjunction with the use of facilities and any other fees established pursuant to WAC 132Q-136-010(2). The schedule of user fees may be amended from time to time.

(6) "Academic or administrative unit sponsorship" shall mean that the head of an academic or administrative unit within the district has reviewed a request for use of facilities, has determined that such use of facilities meets the general policy concerning the use of district facilities pursuant to WAC 132Q-136-010(1) and all limitation on the use of facilities pursuant to WAC 132Q-136-040, has determined that the academic or administrative unit is willing to sponsor the proposed use of facilities and has signed the appropriate request form.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-020, filed 9/14/84.]

WAC 132Q-136-030 Users. (1) Faculty, staff, and official student organizations may use district facilities to hold events for faculty, staff and students provided such use complies with the general policy on the use of district facilities pursuant to WAC 132Q-136-010 and that all events are scheduled pursuant to WAC 132Q-136-050. Such use does not require either academic or administrative unit sponsorship nor does such use require approval by the chief executive officer or other designated staff.

(2) Faculty, staff, and official student organizations may use district facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the chief executive officer or other designated staff.

(3) Organizations or persons other than district faculty, staff, or official student organizations may use district facilities to hold events for members of that organization provided such use complies with the general policy of the use of district facilities. Such use does not require either academic or administrative unit sponsorship, but does require the approval of the chief executive officer or designated staff.

(4) Organizations or persons other than district faculty, staff, or official student organizations may use district facilities to hold events to which the general public

is invited when the event has academic or administrative unit sponsorship and the approval the chief executive officer or designated staff.

(5) Use of facilities for religious purposes is permitted on the same basis as for nonreligious purposes as long as use of religious purposes does not dominate access to facilities pursuant to WAC 132Q-136-040.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-030, filed 9/14/84.]

WAC 132Q-136-040 Limitations. (1) District facilities may not be used in ways which substantially obstruct or disrupt educational activities or freedom of movement or other lawful activities on or in district facilities.

(2) District facilities may not be used by groups, including informal groups, which discriminate in their membership or limit participation in activities on the basis of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap.

(3) Faculty, staff, or official student organizations may use district facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to faculty, staff and students. However, pursuant to RCW 42.17.130 "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition" is prohibited.

(4) District facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are in conjunction with authorized use of facilities by outside groups, fund raising activities directly benefiting the district, or activities fulfilling an educational or service need of the students, faculty or staff. The sale of any item, the use of any advertising material, or operation of any promotional activity is subject to prior approval of the chief executive officer or designated staff. Any such sales, advertising, or promotional activities judged not to be in the best interest of the district shall not be allowed.

(5) The distribution of handbills, leaflets, pamphlets and similar materials is not permitted in or on those facilities to which access by the general public is restricted or where such distribution would significantly impinge upon the primary business being conducted.

(6) Charitable solicitation is not permitted in or on those facilities to which access by the general public is restricted or where such solicitation would significantly impinge upon the primary business being conducted.

(7) District facilities may be used by other public or private educational institutions or public agencies only insofar as the intended use of the facilities meets a community need not being fulfilled by District 17 and where such activities do not interfere with the educational programs being offered by District 17 or with the maintenance and repair programs of the district. A user fee, if any, for such use shall be determined by the chief executive officer or designated staff.

(8) Organizations or persons other than district faculty, staff, or official student organizations may use district facilities only after the procedure pursuant to WAC 132Q-136-050 are completed and appropriate user fees have been paid in full or satisfactory payment arrangements completed.

(9) District 17 reserves the right to require that the district be represented at any use of facilities where the presence of a representative is in the best interest of the district.

(10) District equipment shall be used only when authorized and shall not be removed from any facility unless written authorization for such removal has been obtained prior to use.

(11) No decorations or other application of material to walls, ceiling or floors of any facility shall be permitted if such application will in any way mar, deface or injure the facility. Users shall be responsible for the removal or disposal of any decorations, materials, equipment, furnishings or rubbish which remain in or on any facility following use of the facility. Failure of any user to meet this obligation which results in additional cost to the district shall subject the user to additional charges for such costs.

(12) The district reserves the right to reject any application for the use of district facilities when such use, pursuant to WAC 132Q-136-010(1), is determined not to be in the best interest of the district.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-040, filed 9/14/84.]

WAC 132Q-136-050 Reservation, scheduling and approval procedure. (1) To reserve or schedule the use of facilities, faculty, staff, official student organizations or outside parties shall contact the appropriate college or Institute scheduling office. The scheduling office shall provide all appropriate scheduling procedures, forms and agreements and shall arrange for all necessary approvals, reservations, scheduling and payments.

(2) No less than fourteen days prior to the anticipated date for use of district facilities, any individual or organization desiring to reserve or schedule facility use shall present all required forms, fully completed, to the appropriate scheduling office. The scheduling office shall process the completed application and secure all required approvals. The individual or organization requesting the use of facilities shall be notified of the disposition of the request within ten days. Such fourteen day notice may be waived by the scheduling office provided that such waiver does not disrupt normal facility operation.

(3) Full payment of the appropriate user fee, if any, or satisfactory payment arrangements are required prior to the use of district facilities.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-050, filed 9/14/84.]

WAC 132Q-136-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of district facilities to insure that the proposed use will be carried out in a manner that assures

the safety of all persons concerned. Compliance with applicable fire, health and safety regulations is required.

(2) Authorization to organizations or persons other than district faculty, staff, or official student organizations for the use of district facilities is granted with the express understanding and condition that such organization or person assumes full responsibility for any loss, damage or claims arising out of such use. When the event involves physical activity, or otherwise would increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least one million dollars per occurrence shall be provided to the chief executive officer or designee.

[Statutory Authority: RCW 28B.50.140. 84-19-028 (Resolution No. 22), § 132Q-136-060, filed 9/14/84.]

Chapter 132Q-276 WAC PUBLIC RECORDS--INITIATIVE 276

WAC

- 132Q-276-010 Purpose.
- 132Q-276-020 Definitions.
- 132Q-276-030 Central and field organization.
- 132Q-276-040 Operations and procedures.
- 132Q-276-050 Public records available.
- 132Q-276-060 Public records officer.
- 132Q-276-070 Office hours.
- 132Q-276-080 Requests for public records.
- 132Q-276-090 Copying.
- 132Q-276-100 Exemptions.
- 132Q-276-110 Appeal of denials.
- 132Q-276-120 Protection of public records.
- 132Q-276-130 Records index.
- 132Q-276-140 Adoption of form.

WAC 132Q-276-010 Purpose. The purpose of this chapter shall be to insure compliance by Washington Community College District 17 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finance—Lobbying—Records: And, in particular, with RCW 42.17.250 - 42.17.340 dealing with public records.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-010, filed 4/22/83.]

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

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

(3) **WASHINGTON COMMUNITY COLLEGE DISTRICT 17.** Washington Community College District 17 is a state agency created and organized by statute pursuant to

RCW 28B.50.040, and shall hereinafter be referred to as the "district." Where appropriate, the term "district" shall also refer to the staff and board of trustees of the district.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-020, filed 4/22/83.]

WAC 132Q-276-030 Central and field organization. The district is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at North 2000 Greene, Spokane, Washington, 99207. The district operates two colleges, Spokane Community College, located at North 1810 Greene, Spokane, Washington, 99207, and Spokane Falls Community College, located at West 3410 Fort George Wright Drive, Spokane, Washington, 99204. The district also operates extension and continuing education programs in the counties of Ferry, Lincoln (except Consolidated School District 105-157-166J and the Lincoln County portion of Common School District 167-202), Pend Orielle, Spokane, Stevens, and Whitman.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-030, filed 4/22/83.]

WAC 132Q-276-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The district is operated under the supervision and control of a board of trustees appointed by the governor as provided in RCW 28B.50.130. The chief administrative officer of the district is the district president, who also serves as secretary to the board of trustees. The day-to-day operation of the district, pursuant to policy established and approved by the board of trustees, is implemented through the office of the district president or the president's designee.

The board of trustees meets the second Tuesday of each month at 1:30 p.m. in the board room of the district offices located at North 2000 Greene Street, Spokane, Washington, 99207, unless public notice is given of a special meeting. At such time, the trustees exercise the powers and duties granted to the board by RCW 28B.50.140.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-040, filed 4/22/83.]

WAC 132Q-276-050 Public records available. All public records of the district, as defined in WAC 132Q-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132Q-276-100.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-050, filed 4/22/83.]

WAC 132Q-276-060 Public records officer. The district's public records shall be in the charge and control of the public records officer designated by the district president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for implementing 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 of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-060, filed 4/22/83.]

WAC 132Q-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. until noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-070, filed 4/22/83.]

WAC 132Q-276-080 Requests for public records. In accordance with requirements of RCW 42.17.290, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the district's administrative staff, if the public records officer is not available, at the district office during customary office hours. The request shall include the following information:

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or other staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-080, filed 4/22/83.]

WAC 132Q-276-090 Copying. No fee shall be charged for the inspection of public records. The district may charge a fee per page of copy for providing copies of public records, for use of the district's copy equipment, and labor costs. This charge shall be an amount necessary to reimburse the district for its actual costs incident to such copying.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-090, filed 4/22/83.]

WAC 132Q-276-100 Exemptions. (1) The district reserves the right to determine that the public record requested in accordance with the procedures outlined in WAC 132Q-276-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer shall fully justify any such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-100, filed 4/22/83.]

WAC 132Q-276-110 Appeal of denials. (1) Any person who objects to the denial of a request for a public record may appeal such decision by tendering a written request for appeal. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following a request for appeal, whichever occurs first.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-110, filed 4/22/83.]

WAC 132Q-276-120 Protection of public records. It is the policy of the district, in order to protect public records from damage or disorganization and to prevent excessive interference with other essential functions of the district, that original copies of records are not to be taken from the district designated area of custody or storage. Any examination and copying of records subject to these regulations is to occur at places designated by the district through the public records officer and/or his designee. The fullest assistance to inquiries and the most timely possible action on request for information consistent with protection of the public records is to be supplied.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-120, filed 4/22/83.]

WAC 132Q-276-130 Records index. (1) The district has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since June 30, 1972: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) those statements of policy and interpretations of policy, statutes and the constitution which have been adopted by the agency; (c) administrative staff manuals and instructions to staff that affect a member of the public; (d) planning policies and goals, and interim and final planning decisions; (e) factual staff reports and studies, factual consultants reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and (f) Correspondence and materials referred therein by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines or opines upon, or is asked to determine or opine upon, the rights of state, the public, a subdivision of state government or any private agency.

(2) The current index described in WAC 132Q-276-130(1) shall be available to all persons under the same rules and on the same conditions as they are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-130, filed 4/22/83.]

WAC 132Q-276-140 Adoption of form. The district shall adopt a form for use by all persons requesting inspection and/or copying or copies of its public records.

[Statutory Authority: RCW 42.17.250. 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-140, filed 4/22/83.]