

Title 132A WAC

COMMUNITY COLLEGES--PENINSULA COLLEGE

Chapters

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Chapter 132A-104 WAC BOARD OF TRUSTEES

WAC

- 132A-104-010 Conduct of business.
- 132A-104-015 Place of meetings.
- 132A-104-020 Official minutes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132A-104-005 Board meetings. [Order 3, § 132A-104-005, filed 12/8/76.] Repealed by 81-10-039 (Order 6, Resolution No. 81-06-031), filed 4/30/81. Statutory Authority: Chapter 28B.50 RCW, RCW 28B.50.140(13), and 28B.50.130.

WAC 132A-104-010 Conduct of business. (1) No official business shall be conducted by the board of trustees except when convened in regular or special session. No official business of the board shall be conducted in executive session.

(2) Three members of the board of trustees shall constitute a quorum. No action may be taken by less than a quorum convened at a regular or special meeting.

(3) Business and operations of the board in regular or special session shall be conducted according to *Robert's Rules of Order* unless specified otherwise by law or regulated by the state community college board. Voting shall be by voice vote unless a roll call vote is requested by any member of the board; the result of roll call votes shall be entered by name in official board minutes.

[Order 3, § 132A-104-010, filed 12/8/76.]

WAC 132A-104-015 Place of meetings. The board of trustees shall maintain an office at Peninsula College,

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Port Angeles, Washington 98362. All regular and special meetings shall be held at this address unless otherwise announced, and this office shall be open during normal business hours for all reasonable purposes to any resident of the state of Washington. In addition, all records, minutes, and the official seal shall be kept at this location. All correspondence directed to the board shall be sent to the board secretary at the above address.

[Order 3, § 132A-104-015, filed 12/8/76.]

WAC 132A-104-020 Official minutes. The board secretary shall keep official minutes of each regular and special board meeting. All business transacted and all policies, procedures, or regulations adopted in official session shall be recorded in the minutes and filed for reference. Approved minutes shall be open to public inspection at the board office during regular business hours.

[Order 3, § 132A-104-020, filed 12/8/76.]

Chapter 132A-116 WAC MOTOR VEHICLE REGULATIONS

WAC

- 132A-116-005 Registration.
- 132A-116-010 Physically handicapped.
- 132A-116-015 Visitor parking.
- 132A-116-020 General regulations.
- 132A-116-025 Enforcement.

WAC 132A-116-005 Registration. (1) All daytime students, faculty, and staff members, full- or part-time, who use a motor vehicle within campus boundaries at any time, must register those vehicles with the college. Those vehicles assigned to specific parking areas must display a campus registration sticker. All fees for registration of vehicles shall be paid at the business office where a receipt will be issued. The receipt may be exchanged at the student activities office for a registration (parking) sticker. Stickers are not transferable between vehicles or individuals. The required location for display of the campus registration sticker is on the left rear bumper so that the sticker may be seen from the rear. If at any time the registration sticker is defaced or removed, it is the responsibility of the registrant to apply at the student activities office for a replacement.

(2) Costs of vehicle registration will be printed in the current edition of the Peninsula College catalog.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW, 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-116-005, filed 5/30/80; Order 3, § 132A-116-005, filed 12/8/76.]

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WAC 132A-116-010 Physically handicapped. The physically handicapped individuals may apply at the student activities office for special campus registration stickers which will permit them special campus parking privileges. Medical verification of disability may be required. Reaffirmation periodically during the disability period may also be required. Unauthorized vehicles in reserved handicapped parking areas may be towed away and impounded at the expense of the operator.

[Order 3, § 132A-116-010, filed 12/8/76.]

WAC 132A-116-015 Visitor parking. Parking spaces reserved for visitors are designated. Staff and student vehicles, regardless of registration, are not permitted to park in these areas. Unauthorized vehicles parked in violation may be towed away and impounded at the expense of the operator.

[Order 3, § 132A-116-015, filed 12/8/76.]

WAC 132A-116-020 General regulations. (1) No parking is permitted in the following areas:

- (a) In spaces assigned to specific vehicles.
 - (b) Along entrance or service roads to the campus.
 - (c) On the campus proper.
 - (d) In the area of the gymnasium.
 - (e) In front of the dormitory, except nonstudent visitors and student visitors after 4 p.m. and before 2 a.m.
 - (f) In assigned dormitory parking.
 - (g) In the area of the vocational shops except cars awaiting maintenance.
 - (h) In the area of the arts and crafts laboratories.
 - (i) In loading areas, except while in the process of loading or unloading, and not to exceed 30 minutes.
- (2) Traffic in the main parking area is one-way as marked. Back-in parking is not permitted.
- (3) Parking is permitted only in marked spaces. Parked cars must be bordered on both sides with traffic lines.

[Order 3, § 132A-116-020, filed 12/8/76.]

WAC 132A-116-025 Enforcement. (1) Campus motor vehicle regulations are enforced by the Peninsula College employees and merchant police operating under the supervision of the college parking officer. Citations will be issued for traffic violations which include: Parking in "no parking" zones, parking in "visitors" area, parking in assigned staff areas, parking in "handicapped" areas without permission, parking in service areas, parking in the dormitory area, improper display of parking permit, back-in parking, violation of parking lanes.

(2) Citations issued for violations are payable at the business office. Penalty is \$1.00 per violation if paid within 48 hours and \$3.00 if paid after the first 48 hours.

(3) Failure by students to clear violation penalties may result in the withholding of transcripts, denial or cancellation of admission or registration, or withholding of degree awards.

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(4) Vehicles in violation of the campus parking regulations may be impounded at the expense of the operator until all charges are cleared.

(5) In the event that a vehicle is impounded for a violation of these regulations, the owner of the impounded vehicle shall have a right to a hearing within forty-eight hours of his/her request for such a hearing. The appeal should be made to the director of student activities within seventy-two hours of impoundment. Prior to the hearing, the owner of the vehicle shall be entitled to a release of his/her vehicle upon payment of the impoundment costs to the towing company. If, at the hearing, the owner shows that his/her vehicle was improperly impounded, he/she will be entitled to have the costs of towing expense refunded to him/her.

[Statutory Authority: Chapter 28B.50 RCW. 84-14-019 (Order 8, Resolution No. 84-09-031), § 132A-116-025, filed 6/26/84. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-116-025, filed 5/30/80; Order 3, § 132A-116-025, filed 12/8/76.]

Chapter 132A-120 WAC STUDENT CONDUCT CODE

WAC

- 132A-120-005 Purpose.
- 132A-120-010 Alcoholic beverages.
- 132A-120-015 Drugs and narcotics.
- 132A-120-020 Assembly rights.
- 132A-120-025 Criminal violations.
- 132A-120-030 Damaging property.
- 132A-120-035 Cheating.
- 132A-120-040 Trespass.
- 132A-120-045 Responsibility for discipline.
- 132A-120-050 Disciplinary procedures.
- 132A-120-055 Discipline and due process.
- 132A-120-060 Disciplinary committee.

WAC 132A-120-005 Purpose. Prescribe standards of student conduct, the violation of which may constitute cause for expulsion or suspension from the college. It is the intent of the board to prescribe standards of student conduct pursuant to the requirements of the Administrative Procedure Act and to, by written order, delegate to the president of the college the authority to administer appropriate disciplinary action after a hearing consistent with the requirements of procedural due process.

[Order 4, § 132A-120-005, filed 8/31/77.]

WAC 132A-120-010 Alcoholic beverages. Possession, consumption, or being demonstrated under the influence of any form of alcoholic beverage on college premises or at college-related activities, may be cause for disciplinary action. Since a minor is restricted by state law for such consumption or possession, the student may also be referred to civil authorities for such violation on college premises or at college-sponsored activities off campus.

[Order 4, § 132A-120-010, filed 8/31/77.]

WAC 132A-120-015 Drugs and narcotics. The use, possession, sale, or provision to others by any student of narcotics and/or drugs which are prohibited by local,

state, or federal laws, except when specifically prescribed as medication by an authorized medical agent, on campus or at college-related or sponsored activities elsewhere will be cause for disciplinary action.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-015, filed 7/5/83; Order 4, § 132A-120-015, filed 8/31/77.]

WAC 132A-120-020 Assembly rights. Campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner; do not interfere with vehicular or pedestrian traffic; do not interfere with classes, scheduled meetings or ceremonies, or with other educational processes of the college; and are not held in or on facilities where college functions are in progress. Students found in violation of this policy will be subject to disciplinary action by the college. Nonstudents violating college policy will be referred to the proper authorities for prosecution.

[Order 4, § 132A-120-020, filed 8/31/77.]

WAC 132A-120-025 Criminal violations. (1) Any student who shall commit larceny of the property of another upon college facilities shall be subject to disciplinary action.

(2) Any student who shall assault another in the manner prohibited by law upon college facilities shall be subject to disciplinary action.

(3) Any student who engages in acts of forgery upon college facilities shall be subject to disciplinary action.

(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.

[Order 4, § 132A-120-025, filed 8/31/77.]

WAC 132A-120-030 Damaging property. Any student who shall wilfully attempt to damage or destroy or who in fact does damage or destroy any property owned, controlled or operated by the college shall be subject to disciplinary action.

[Order 4, § 132A-120-030, filed 8/31/77.]

WAC 132A-120-035 Cheating. A classroom instructor may take any and all reasonable summary actions against any student who is deemed to have cheated or against any student who is deemed to have aided and abetted such act of cheating.

[Order 4, § 132A-120-035, filed 8/31/77.]

WAC 132A-120-040 Trespass. (1) Should an event or incident occur which the college president or his representative deems to be disruptive of the orderly operation of the college or threatening to students and/or employees, an impedance to the movement of persons or vehicles on campus, or a barrier to the ingress and/or egress to campus facilities, the president or his representative shall have power to:

(a) Prohibit the entry of or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college.

(b) Give notice of trespass to any person, persons, or group of persons for whom the license or privilege to enter has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of [a] [the] college facility, which college facility is owned and/or operated by the college.

(c) Order any person, persons, or group of persons to leave or vacate all or any portion of college facilities which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the president or his representative pursuant to the requirements of this rule shall, in addition to violation of criminal law, also be subject to disciplinary action.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-040, filed 7/5/83; Order 4, § 132A-120-040, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 132A-120-045 Responsibility for discipline.

(1) The director of student activities will identify instances of student misconduct in compliance with the student code of conduct, college policies, state laws, and procedures approved and authorized by the college trustees.

(2) Instructors have authority to regulate student conduct within classrooms or related environs. Instructor[s] may take actions necessary, including dismissal from class, to assure the maintaining of order and proper conduct in the classrooms. When a student is acting in such a manner that these objectives cannot be met and has been dismissed from class, the director of student activities is to be notified immediately. A written report must be submitted detailing the condition of this action and dismissal at the earliest convenient time.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-045, filed 7/5/83; Order 4, § 132A-120-045, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 132A-120-050 Disciplinary procedures. (1) When nonacademic college disciplinary action is deemed necessary, the proceedings will be initiated by the director of student activities. The initial contact will be through an informal interview at which time the charges against the student will be presented to him/her and any contemplated penalties will be revealed. [At this meeting the penalties that might be assessed against him will be presented.] The right of the student to a fair and impartial hearing before the student disciplinary committee also will be explained.

(2) After reviewing the charges, interviewing the student, and considering all evidence, the director of student activities may take any of the following actions:

(a) Terminate the proceeding and notify proper individuals of the decision to exonerate the student.

(b) Dismiss the case after setting up a sequence of meetings for additional counseling and/or advisement.

(c) Impose minor sanctions such as warning or reprimand. A warning or reprimand places the student on limited probation. Such sanction shall be put in writing and conveyed to the student and shall be acknowledged by the student in writing. Failure to acknowledge as required shall be grounds for dismissal. Students shall be furnished with copies of all pertinent documents.

(d) Forward a recommendation to the college president that the student be dismissed, suspended, or made subject to such other major disciplinary action as may be appropriate. In such an instance, the student may request a hearing and due process before being dismissed or suspended.

(3) [The director of student activities] may choose to refer a student disciplinary matter to the disciplinary committee for its recommendation. In this case the student will be entitled to the sequence of steps outlined [under] 4.040.11, Discipline and due process. The recommendation of the disciplinary committee will be used in formulating the disciplinary action finally [determined].

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-050, filed 7/5/83; Order 4, § 132A-120-050, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 132A-120-055 Discipline and due process. (1) A notice in writing of the charges, including the specific regulation or regulations alleged to be violated and the name(s) of the complaining witness(es), shall be given to the student.

(2) A notice in writing of the date, time, and place of the hearing relative to the charges and the general nature of the proceedings shall be given to the student charged, including a statement that a new hearing date will be fixed if additional time to prepare a response to the charges is desired.

(3) Notice shall be given in writing that an opportunity to present information to establish innocence of the charges or mitigation of the circumstances will be afforded, including a specific statement that supporting witnesses or statements will be welcomed and that the student may have assistance or utilize a spokesman in the presentation of his/her position at the hearing.

(4) The student shall be advised prior to receipt of any evidence at the hearing that he/she will not be required to give evidence which may be self-incriminating.

(5) A summary of all of the evidence presented at the hearing shall be made available for the student's inspection at some state of the proceeding, preferably prior to final determination by the hearing body.

(6) A review of the final recommendation of the hearing body and the actions of the official imposing sanctions shall be conducted by the college president, who shall review the entire record of proceedings and shall make the final decision as to the disposition of the case.

(7) All proceeding[s] must be conducted in an atmosphere of fairness[,] and in a manner which preserves the rudiments of an adversarial proceeding.

(8) The student in question may attend classes until the final review has been made and a decision rendered.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-055, filed 7/5/83; Order 4, § 132A-120-055, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 132A-120-060 Disciplinary committee. The Peninsula College disciplinary committee made up of three faculty members and three students, will hear all disciplinary cases referred to it by the director of student activities, the president, or when requested by a student. This committee is charged with providing for the student a fair and impartial hearing. It shall be the responsibility of the committee to evaluate each case and recommend disciplinary action to the president in writing. It should be stressed that the authority of the disciplinary committee is advisory in nature; however, its recommendation will be carefully considered in making a final decision.

(2) The conduct of the hearing will be such that it will not be hindered by precise rules of procedure or evidence. During the hearing the student may be accompanied and assisted by an advisor of his/her choice. Normal protocol found in hearings shall[,] be [observed], i.e., the student may testify and present evidence and witnesses relevant to the charge, and will be [He is] entitled to hear and examine all evidence against him/her.

(3) The identity of the source of complaints or allegations shall be open to the student and he/she shall be entitled to question witnesses concerning factual matters.

(4) The disciplinary committee must consider only matters and evidence presented at the hearing when determining guilt or innocence to the charge under consideration. The committee may consider past records of conduct when formulating its final recommendation.

(5) The absence of the student from the hearing for any cause may not be construed as admission of guilt; however, such absence shall not prevent the committee from proceeding. The committee may consider only evidence presented at the time of the hearing and only this evidence may serve as the basis of disciplinary committee recommendation.

(6) Normally, these deliberations will be held in closed session unless the student requests otherwise. The chairman of the committee may exclude from the hearing any person who is disruptive in any way. That portion of the deliberation wherein the committee is

formulating its recommendation shall be closed to all but the actual committee members.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-060, filed 7/5/83; Order 4, § 132A-120-060, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

Chapter 132A-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

WAC

- 132A-122-010 Policy.
- 132A-122-020 Notification.
- 132A-122-030 Informal hearing notification.
- 132A-122-040 Procedure for informal hearing.
- 132A-122-050 Withholding services.

WAC 132A-122-010 Policy. If any student or former student fails to meet financial obligations to the college, the college shall not provide further services of any kind to such individual, including but not limited to admission to or registration with the college, conferring of degrees, issuance of academic transcripts, transmitting files or records, or other services which have been requested by any such individual.

[Order 4, § 132A-122-010, filed 8/31/77.]

WAC 132A-122-020 Notification. Upon receipt of a request for services from an individual who has failed to satisfy financial obligations to the college, the college shall notify the individual by first class mail that the services will not be provided because of the individual's failure to meet his or her financial obligations to the college, and the letter will further state that such services as are requested will not be provided to the individual until the debt is paid in full or arrangements are made to pay the debt over a period of time under terms and conditions which are satisfactory to the college.

[Order 4, § 132A-122-020, filed 8/31/77.]

WAC 132A-122-030 Informal hearing notification. The letter of notification required in WAC 132A-122-020 shall further notify the individual that he has a right to an informal hearing before a person designated by the president of the college for the purpose of challenging the validity of the indebtedness. The letter of notification shall further notify the individual that any request for such hearing must be made within fifteen days from the mailing of said notice and that the request for hearing must state the reasons relied on by the individual for challenging the validity or legitimacy of the financial obligation.

[Order 4, § 132A-122-030, filed 8/31/77.]

WAC 132A-122-040 Procedure for informal hearing. Upon receipt of a timely request for a hearing, the president's designee shall hold an informal hearing as

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soon as practicable for the purpose of evaluating the validity of the asserted outstanding indebtedness to the college. The presidential designee shall insure that appropriate records and files of the institution are available for review at the time of the informal hearing. Within ten days after the informal hearing, the presidential designee shall determine whether the outstanding debt is in fact owed to the college by the individual and shall provide the individual with written notification of his decision. Said decision shall constitute disposition of the informal contested case pursuant to the Higher Education Administrative Procedure Act as defined in RCW 28B.19.110.

[Order 4, § 132A-122-040, filed 8/31/77.]

WAC 132A-122-050 Withholding services. Upon failure of the individual to request or participate in an informal hearing as provided for in this chapter, or upon failure to request a formal hearing pursuant to chapter 28B.19 RCW within ten days after the decision of the president's designee, whichever is applicable, the college may take any action authorized under WAC 132A-122-010: *Provided*, That the student has not satisfied his or her financial obligation to the satisfaction of the college.

[Order 4, § 132A-122-050, filed 8/31/77.]

Chapter 132A-128 WAC

REDUCTION IN FORCE AND TENURE CODE

WAC

- 132A-128-005 Purpose of policies.
- 132A-128-010 Notification of potential RIF.
- 132A-128-015 Employee consultation and response.
- 132A-128-020 Major criteria for layoff.
- 132A-128-025 Necessary duties.
- 132A-128-030 Order of layoff.
- 132A-128-035 Seniority.
- 132A-128-040 Determination of qualifications.
- 132A-128-045 Right to recall.
- 132A-128-050 Dismissal policy.
- 132A-128-060 Procedure for layoff or dismissal.
- 132A-128-070 Hearing.
- 132A-128-080 Recommendations.
- 132A-128-090 Waiver of rights.
- 132A-128-100 Evaluation policy.

WAC 132A-128-005 Purpose of policies. If a tenured academic employee with a full-time faculty appointment is to be laid off for program termination or reduction resulting from substantial decreases in enrollment, for changes in educational policy adopted by the board of trustees, or substantial shortage of funds, the Peninsula College reduction in force and dismissal policies will be utilized and the following criteria and procedures used. (The board of trustees perceives this RIF or reduction of staff policy as a document to be implemented if the foregoing conditions are present.)

[Order 3, § 132A-128-005, filed 12/8/76.]

WAC 132A-128-010 Notification of potential RIF. The president, with consultation from his administrative staff, instructional council, and others, will review the

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nature of the problem facing the college. If the president concludes that reductions in staff are or will be necessary in the near future, he will give notice of the potential reductions to the recognized academic employee organization. The preliminary notice which the president gives to the organization shall include the reasons for the proposed reductions in staff, and the number of academic employees to be considered for layoff.

[Order 3, § 132A-128-010, filed 12/8/76.]

WAC 132A-128-015 Employee consultation and response. The recognized academic employee organization will then have the right to meet and exchange information with the president who shall fully document the need for such reductions in staff. Such meetings shall conclude within ten days of the date of the first meeting. In the event the recognized faculty association is not in agreement with the proposed RIF, it may develop alternative proposals which shall be made available to any groups or individuals requesting the same.

[Order 3, § 132A-128-015, filed 12/8/76.]

WAC 132A-128-020 Major criteria for layoff. (1) The president shall present and explain the major criteria to be used to identify those to be laid off to the faculty. If any courses currently in the curriculum are expected to be eliminated, he shall identify those courses and explain why they have been judged not to be the most necessary course offerings to maintain the best possible quality educational opportunities at Peninsula College. In the event any employee group or college organization is not in agreement with the recommendations of the president, they may present their opinions and recommendations to the president for his consideration. Nothing in this section shall preclude the administration from implementing this RIF policy if the need for the RIF has not been established as provided for in this section.

(2) If the number of academic employees is to be reduced, the president, with advice from the dean of instruction, division chairmen, and instructional council, shall recommend what course offerings and/or other services are most necessary to maintain quality education at Peninsula College. The president shall consider, but not be limited to, the following factors:

(a) The enrollment and the trends in enrollment for not less than two years, if applicable, and their effect upon each division.

(b) The goals and objectives of Peninsula College and the state board for community college education.

(c) Information concerning faculty vacancies occurring through retirement, resignation, sabbaticals, and leaves of absence.

(3) The academic employee members of the instructional council shall review these recommendations and make their conclusions available to the review committee, if requested.

[Order 3, § 132A-128-020, filed 12/8/76.]

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WAC 132A-128-025 Necessary duties. Those duties associated with the course offerings and/or other services determined to be necessary at Peninsula College will be considered needed duties of an academic employee.

[Order 3, § 132A-128-025, filed 12/8/76.]

WAC 132A-128-030 Order of layoff. If a reduction is necessary, the following order of layoff will be utilized as far as possible provided there are qualified academic employees to replace and perform all the needed duties of the employees to be laid off: first, part-time academic employees; second, probationary appointees with the least seniority; third, full-time tenured academic employees with the least seniority.

[Order 3, § 132A-128-030, filed 12/8/76.]

WAC 132A-128-035 Seniority. (1) Seniority shall be determined by establishing the date of the signing of the first full-time contract for the most recent period of continuous full-time professional service for Peninsula College which shall include leaves of absence, sabbatical leaves, and periods of layoffs. The longest terms of employment as thus established shall be considered the highest level of seniority.

(2) In instances where academic employees have the same beginning date of full-time professional services, seniority shall be determined in the following order:

(a) First date of the signature on a letter of intent to accept employment.

(b) First date of application for employment.

[Order 3, § 132A-128-035, filed 12/8/76.]

WAC 132A-128-040 Determination of qualifications. An academic employee shall be qualified to instruct courses which the president, with advice from the dean of instruction and the appropriate division chairman, determines the academic employee is qualified to instruct.

[Order 3, § 132A-128-040, filed 12/8/76.]

WAC 132A-128-045 Right to recall. A full-time tenured academic employee whose contract is not renewed as a result of this reduction procedure has a right to a recall to a position, either a newly created one or a vacancy, providing he is qualified as determined by the college president. The recall shall be in reversed seniority, the most senior first. Full-time tenured academic employees who have been laid off will retain their accrued benefits, such as sick leave and seniority. The right of recall shall extend two years from the date of layoff. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status.

[Order 3, § 132A-128-045, filed 12/8/76.]

WAC 132A-128-050 Dismissal policy. (1) A tenured academic employee shall not be dismissed or laid off from his appointment except for sufficient cause. An academic employee who holds a probationary faculty

appointment shall not be dismissed or laid off prior to the dates established in the written terms of his appointment except for sufficient cause. Sufficient cause for dismissal includes but is not limited to causes identified in the Washington state statutes and RIF.

(2) A review committee shall be created for the express purpose of hearing cases and shall make recommendations to the Peninsula College board of trustees relating to the layoff and/or dismissal of academic employees of the college.

(a) The review committee shall be established no later than October 15 of each year and shall serve for the following twelve months. Those members of the review committee who receive a notice of dismissal or layoff shall be excused from serving on the review committee.

(b) The review committee shall be comprised of the following members: One administrator; three members of the teaching faculty; one full-time student.

(c) Election of teaching faculty to the review committee shall be made by a majority of the teaching faculty and faculty department heads acting in a body, prior to October 15 each year. A minimum of six teaching faculty shall be nominated. The three persons receiving the most votes shall be elected as members of the review committee. The persons receiving the next highest number of votes shall be elected as alternates. The alternate receiving the greatest number of votes shall be Alternate #1, next greatest number shall be Alternate #2, and third greatest number, Alternate #3.

(d) Both the college president and faculty members affected shall each have one preemptory challenge on membership of the review committee. In the event a review committee member is challenged, an alternate shall serve.

(i) The college president shall select the administrative member and any necessary alternates.

(ii) The student shall be chosen by the associated student board of control.

(iii) The review committee will select one of its members to serve as chairman.

[Order 3, § 132A-128-050, filed 12/8/76.]

WAC 132A-128-060 Procedure for layoff or dismissal. (1) When the president receives or initiates a formal written recommendation about an academic employee which may warrant dismissal or layoff, he shall inform that academic employee. Within ten days after having been so informed, the academic employee will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which shall be an information gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the college president, he shall recommend that the academic employee be dismissed or laid off.

(2) If the president recommends that the academic employee be dismissed or laid off, he shall deliver a short and plain statement in writing to the academic employee which shall contain:

(a) The grounds for dismissal or layoff in reasonable particularity;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) Reference to any particular statutes or rules involved.

[Order 3, § 132A-128-060, filed 12/8/76.]

WAC 132A-128-070 Hearing. (1) After notification of the president's recommendation for layoff or dismissal, the affected academic employee may within the following ten days request a hearing. If the president does not receive this request within the ten days, the academic employee's right to a hearing will be deemed waived.

If the president receives a request for a hearing, he shall immediately call into action the review committee and deliver the aforesaid statement to the members of the review committee. He shall also notify the board of trustees of the request for a hearing. The board of trustees shall then appoint a hearing examiner whose responsibilities shall be to establish a date for a hearing and to inform, in writing, the employee, the president, and the review committee of the time, date, and place of such hearing. The hearing examiner shall not be a community college board member, community college employee, member of the state board for community college education staff, or a Washington state attorney general employee. Furthermore, this scheduled hearing shall not be held prior to the twenty-first day following notification of the president that the employee requested a hearing.

(2) In the presence of the review committee, the hearing examiner shall:

(a) Preside over the dismissal hearing;

(b) Conduct the hearing with all due speed until the hearing is terminated;

(c) Hear testimony from all individuals called by the president, the employee, the dismissal review committee, or the hearing examiner, and receive any evidence offered by the same;

(d) Afford the employee whose case is being heard the right of cross-examination, the opportunity to defend himself, and to be accompanied by legal counsel;

(e) Allow the college administration to be represented by an assistant attorney general;

(f) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(g) Meet and confer with the members of the review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(h) Appoint a reporter who shall operate at the direction of the hearing examiner and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the hearing examiner;

(i) Prepare proposed findings of fact and conclusions for review by the appointing authority and a record which shall include:

(i) All pleadings, motions, and rulings;

(ii) All evidence received or considered;

- (iii) A statement of any matters officially noticed;
- (iv) All questions and offers of proof, objections and rulings thereon;
- (v) Proposed findings and exceptions;
- (vi) A copy of the recommendations of the dismissal review committee.

(4) In the event of a reduction in force, the hearing examiner shall consolidate all matters into a single hearing.

(5) Peninsula College shall provide a transcript of the above materials upon request by the employee. The college shall pay costs, not to exceed \$50, of the expense of providing these transcripts. Additional costs, if any, must be met by the employee.

(6) The hearing shall be closed unless the hearing examiner determines otherwise.

(7) Following the presentation of testimony and evidence, the hearing examiner shall afford the employee or his counsel(s) and the assistant attorney general representing the college administration the opportunity to present oral arguments. The hearing examiner may request written briefs to be submitted within five days.

(8) Within fifteen days of the conclusion of all hearing testimony, evidence, oral arguments, and written briefs, the review committee and the hearing examiner shall make their written recommendations to the board of trustees. A copy of such recommendations shall also be given at the same time to the employee and to the president.

[Order 3, § 132A-128-070, filed 12/8/76.]

WAC 132A-128-080 Recommendations. (1) The decision to dismiss shall rest, with respect to both facts and decision, with the board of trustees after giving reasonable consideration to the recommendations of the president, the dismissal review committee, and the hearing examiner. These recommendations shall be advisory only and in no respect binding in fact or law upon the board of trustees.

(2) The board of trustees shall meet within a reasonable time subsequent to its receipt of the recommendations to consider those recommendations. The board of trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and at the dismissal hearing, including the briefs and oral arguments. The board of trustees shall, within fifteen days following the conclusion of their review, notify the charged academic employee in writing of its final decision.

(3) Suspension of the academic employee by the president during the administrative dismissal proceedings involving him (prior to the final decision of the board of trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be without pay if dismissal is upheld.

(4) If the president of Peninsula College initiates a formal written recommendation that an academic employee be dismissed and the board of trustees decides to retain the employee, or if the trustees' decision to dismiss an employee is reversed by a court, all evidence concerning the dismissal will be removed from the employee's permanent personnel file if the reason for the denial of the recommendation was the president's failure to establish the facts which were the basis for the dismissal recommendation. If the facts which were the basis for the dismissal recommendation were shown to the satisfaction of the trustees and the courts but the dismissal recommendation was not followed because the trustees or the courts decided that the facts were not sufficient to warrant dismissal, the facts which were shown would be retained in the employee's permanent personnel file along with a record of the outcome of the dismissal proceedings. If the facts are to be retained in the employee's permanent personnel file, the employee will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact.

[Order 3, § 132A-128-080, filed 12/8/76.]

WAC 132A-128-090 Waiver of rights. Nothing in this reduction in force and dismissal policy shall be determined as an abrogation of or as a waiver of rights or procedures set forth under the Professional Negotiations Act or other applicable Washington state statutes or federal regulations.

[Order 3, § 132A-128-090, filed 12/8/76.]

WAC 132A-128-100 Evaluation policy. (1) The purpose of evaluation shall be to improve instruction and administrative services and to provide a basis for judgment regarding tenure.

(2) Every faculty member and administrator shall be evaluated by an evaluation committee periodically as follows:

- (a) Winter quarter of his first year;
- (b) Fall quarter of his second and/or third year;
- (c) At five-year intervals thereafter, or earlier if requested by the person desiring evaluation.

(3) A review committee shall be elected each fall quarter and shall consist of the dean of instruction, two students selected by the board of control of Peninsula College, and two members from each of the academic divisions. The review committee from each area shall be nominated by the faculty in their respective area. Additional nominations for any area will be accepted from the faculty-at-large in an open meeting. The review committee shall then be elected by the entire faculty. The election shall be conducted during the fall quarter and members shall serve through the academic year.

(4) The review committee shall consider the recommendations of the evaluation committees and make recommendations regarding tenure to the president and to the board of trustees.

(5) The evaluation committee shall consist of one member selected by the evaluatee from the review committee; one member selected by the review committee;

and the dean of instruction or his representative who shall serve as secretary of the committee.

(6) The evaluatee shall furnish the evaluation committee a written statement of the objectives of each course and a general outline of the methods used to achieve them, including but not limited to texts, outside readings, number and type of assignments, etc., a compilation of student questionnaire results, any other information deemed pertinent such as the results of standardized tests, etc.

(7) The evaluation committee shall consider additional information as the results of alumni questionnaires regarding their preparation here (the current visitation program would have to be supplemented by written questionnaires mailed periodically); in the case of vocational-technical students, questionnaires obtained from their employers; and any other information the committee deems pertinent.

(8) In the event the evaluatee is not a member of the teaching faculty, the committee shall review that person's area of responsibility and apply as many of the criteria as are appropriate.

(9) If a majority of the committee and the instructor both agree to the desirability, the committee (or its representatives) shall visit the instructor's classes or observe his techniques through appropriate media.

(10) The evaluation committee's judgment and recommendations shall be made available only to the faculty member for purposes of self-improvement, the president, and the review committee for the purpose of making recommendations regarding tenure to the president and the board of trustees.

(11) Ordinarily, probation shall be three years in length. A recommendation regarding tenure shall be submitted by the end of the fall term of the third year.

[Order 3, § 132A-128-100, filed 12/8/76.]

Chapter 132A-136 WAC

USE OF COLLEGE FACILITIES--ACADEMIC

WAC

- 132A-136-005 Placement service.
- 132A-136-010 Student publications.
- 132A-136-015 Distribution of material on campus.
- 132A-136-020 Speakers policy.
- 132A-136-025 Use of facilities.
- 132A-136-030 Smoking regulations.

WAC 132A-136-005 Placement service. Students are assisted in finding part-time employment while in school and in finding career employment after leaving school. The job referral office provides up-to-date listings of local and state-wide job openings. A career planning class is offered for those who are unsure about what career they wish to follow.

[Order 4, § 132A-136-005, filed 8/31/77.]

WAC 132A-136-010 Student publications. Publications covered by this policy shall be those providing laboratory experiences for instructional programs. The

purpose of such publications shall be consistent with the purposes of Peninsula College as stated in the Community College Act. The primary purpose of student publications shall be to provide a learning experience for students. In addition,

(1) The college newspaper shall

(a) Provide a source of information about current events, people, and other subjects of interest to the campus community.

(b) Provide a forum for the exchange of opinions through clearly identified editorial columns and letters to the editor.

(c) Provide opportunities for journalism students to gain experience under instructional supervision in reporting, writing, editing, page design, photography, and other skills involved in newspaper operations.

(2) The literary magazine shall

(a) Provide a forum for students of Peninsula College to publish their creative efforts, both verbal and visual.

(b) Provide a magazine in which the school community and the public can read and view such creative efforts.

(c) Provide opportunities for members of the magazine's staff in soliciting material, choosing material, and editing and assembling a magazine.

The Peninsula College board of trustees, represented by the president of Peninsula College, is the publisher of all college-sponsored student publications. The president may appoint a faculty member to serve as the publisher's representative and advisor for each student publication in order to assure that such publications function according to policy requirements. The advisor's primary duty will be to counsel the student editors regarding ethical responsibility, content, and coverage, and technical and managerial aspects of composition and publication. Publications shall contain a statement that editorial opinions are not necessarily those of the institution or its members.

Except for the position of editor, students will not be paid for work on the college newspaper or magazine.

The trustees support the freedom of student publications to report news and to express opinion without fear of reprisal. At the same time, the trustees reserve the right, as publishers, to require that student publications observe the restraints imposed by journalistic ethics and the responsibility to avoid the printing of libelous statements and materials. The trustees, as publishers, also reserve the right to require that all publications include fair comment; observe high standards of writing, accuracy, and good taste; and that student publications avoid discrimination, obscenity, and invasion of privacy. Such rights shall be exercised by the trustees through their designated representative.

Publications committee membership: The college president shall appoint three faculty members and one administrator to the committee. The president of the associated students shall be invited to appoint three students, each of whom must be enrolled in a minimum of ten credit hours. Committee members shall serve through one college year, with terms beginning at the

start of the fall quarter. They may be reappointed. Preference for one position shall be given to a college newspaper or literary magazine staff member.

Duties of the publications committee: Duties shall be advising on recommendations from the associated students for establishing or dissolving publications, reviewing decisions of the faculty advisors involving selection or dismissal of editors, and hearing disputes which require due process consideration.

Students who wish to edit the college newspaper or magazine will make written application through the advisor, preferably in the quarter before their duties begin. The advisor shall bring the applications for editor to the committee. Any applicant may attend in person. The advisor shall make a recommendation to the committee. If the committee agrees on that candidate, he/she will be appointed as editor. If the committee selects another candidate, that person shall be editor unless the advisor wishes to appeal the decision through the president. In such instance, the decision of the president shall be final.

If the committee receives a recommendation for the suspension or dismissal of an editor, the recommendation must be accompanied by written reasons. The committee must conduct a hearing confined to the issues contained in the written reasons accompanying the recommendation. This hearing must take place within two weeks after the notice of intent to suspend or dismiss the editor has been presented to the editor by the advisor. The hearing will be open to the public unless the editor charged with suspension and/or dismissal requests a closed hearing. Within three days of the hearing, the committee shall vote to determine whether the recommendation shall be followed. Appeals following such committee action shall be heard by the president. In such instances, the decision of the president shall be final.

Proposed name change of student publication: If the editor or staff of a college-sponsored publication wishes to change the name of the publication, he/she shall request a hearing from the publications committee. After the hearing is held, the committee shall vote to approve or deny the name change request. If approval is granted, the staff or editor will inform the associated student council and publicize the proposed titles in the college newspaper. One full week after publicizing, the associated student council shall hold a referendum election to make or deny the necessary bylaw change. The referendum may include more than one proposed name. A referendum for a name change for the literary magazine must be held in the fall quarter of the year the magazine is published.

Meetings: The committee shall elect a faculty or administrative representative to chair the committee and another to serve as secretary. The committee shall meet at least once during each quarter and additionally as deemed necessary by the chair.

Minutes: All minutes of publications committee sessions shall be provided to publications committee members, faculty advisors, and the college president, and shall be open to public inspection.

Grievance procedures: When a student feels that his/her rights relating to student publications have been violated, he/she shall provide the advisor with a written copy of his/her complaint. If there is no resolution to the student's satisfaction, the student may file a grievance with the publications committee in writing through the chairperson. The committee will meet within five school days and recommend a course of action. If there is no resolution to the student's satisfaction, the student may file his/her complaint with the president for a hearing. The complaint shall be filed within five days of the committee's decision. If there is still no resolution to the student's satisfaction, the student may appeal to the board of trustees at its next regularly scheduled meeting. The decision of the board is final.

[Statutory Authority: Chapter 28B.50 RCW. 84-14-019 (Order 8, Resolution No. 84-09-031), § 132A-136-010, filed 6/26/84; Order 4, § 132A-136-010, filed 8/31/77.]

WAC 132A-136-015 Distribution of material on campus. (1) The administration has the responsibility to control and regulate the distribution of materials which might tend to injure, obstruct, or threaten the achievement of the institution's educational goal.

(2) Off-campus and nonstudent groups are asked to register with the dean of students before distributing of handbills, leaflets, or similar materials. The purpose of this would be to assure the group of facilities for distribution.

(a) Such materials must bear identification as to publishing agency and distributing organization or individual.

(b) The dean of students shall designate the area in the PUB that will be used for distribution.

(c) In some cases the nature of the materials is such that they will be placed at a central distribution center and not simply handed out, the problem here being one of litter.

(d) Failure to follow rules may resolve in arrest for trespass.

[Order 4, § 132A-136-015, filed 8/31/77.]

WAC 132A-136-020 Speakers policy. (1) Any faculty member or recognized student group may invite any speaker to the campus they wish to hear. The appearance of a speaker (invited) does not mean that the college, its staff or students endorse the speaker or his topic. Peninsula College is not required to take a stand either pro or con on the ideas forwarded by the speaker. A reasonable honorarium may be paid depending on the resources of the club or school. The college assumes no obligations to provide an audience. It is assumed that all invited speakers will observe the laws of the United States, the state of Washington, and the rules of Peninsula College. It is our hope that through the course of time controversial speakers will appear on our campus. Every effort will be made to provide both points of view.

(2) A faculty member, a faculty group, or a student group will inform the dean of students in writing, at least seven days prior to the proposed scheduled event, concerning the subject to be discussed and the names of

all guest speakers who will be invited to the event. In order to assure that various aspects of an issue will be critically examined, invited speakers shall submit to questions from the audience immediately following their presentations.

[Order 4, § 132A-136-020, filed 8/31/77.]

WAC 132A-136-025 Use of facilities. (1) Because the college is an educational institution provided and maintained by the people of the state, its buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the state.

(2) The buildings, properties, and facilities of the college, including those of the associated students, may be used only for:

(a) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(b) Cultural, educational, or recreational activities of the students, faculty, or staff.

(c) Short courses, conferences, seminars, or similar events conducted either in the public service or for the advancement of specific departmental professional interests when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature, brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(3) Primary consideration shall be given at all times to activities specifically related to the mission of the college, and no arrangements shall be made that may interfere with or operate to the detriment of the teaching, research, or public service programs.

(4) Activities of a commercial or partisan political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards or the distribution of samples outside rooms or facilities to which access may be granted.

(5) The facilities of the college are available to recognized student groups subject to these general policies.

(a) The board hereby delegates to the chief administrative officer of the district the authority to set up administrative procedures for proper review of the use of district facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

(b) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and, if they persist in the violation, will be requested to leave college property. Failure to comply with such a request

will subject such individuals to arrest under provisions of RCW 9.83.060, trespass on another's land: "Every person who shall go upon the land of another or shall willfully go or remain upon his land after having been warned by the owner or occupant not to trespass thereon, shall be guilty of a misdemeanor." Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established district policies.

(c) Inquiries concerning the use of college facilities may be directed to the college administrative office.

(d) The use of exterior audio-amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of district and college affairs.

(6) Permission to an off-campus organization for use of district and college facilities will be granted only under the express understanding and condition that such off-campus organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the district for any loss or damage or claims arising out of such use.

[Order 4, § 132A-136-025, filed 8/31/77.]

Reviser's note: RCW 9.83.060, quoted in the above section, was repealed by section 9A.92.010, chapter 260, Laws of 1975 1st ex. sess., effective July 1, 1976. For later enactment, see chapter 9A.52 RCW.

WAC 132A-136-030 Smoking regulations. (1) To comply with WAC 248-152-010, the declared purpose of this regulation is to prohibit the smoking of tobacco in certain places which are used and open to the general public.

(2) "Smoke" or "smoking" as used herein shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, or cigarette. The term "public" shall mean any place used by and open to the general public which is owned, leased, or otherwise operated by Community College District No. 1.

(3) Smoking shall be prohibited in the following places within Community College District No. 1: *Provided*, That such places are open to and used by the general public.

(a) Elevators.

(b) All public means of mass transportation.

(c) All indoor facilities except areas specifically designated for smoking or designated as lobbies if physically separated from areas for general public use.

(d) *Provided further*, That smoking by performers as a part of a theatrical production shall be allowed.

(4) Signs prohibiting smoking shall be conspicuously posted in every room, building, or other place where smoking is prohibited by this regulation.

(5) The enforcement of this regulation must depend on the willingness of the general public to abide by its provisions and to request others to do so. Complaints of violations of this regulation shall be made to any college administrator or other persons having control over any room, building, or other place where smoking is prohibited by these regulations. Complaints of violations of this regulation shall also be made by the complainant to the

State Board of Health, P.O. Box 1788, Mail Stop 1-2,
Olympia, Washington 98504.

[Order 4, § 132A-136-030, filed 8/31/77.]

Chapter 132A-140 WAC
USE OF COLLEGE FACILITIES--BUSINESS

WAC

- 132A-140-005 General policy.
- 132A-140-010 Limitations.
- 132A-140-015 Liability.
- 132A-140-020 Commercial ventures on campus.
- 132A-140-025 Bookstore.

WAC 132A-140-005 General policy. Because the college of District No. I is an educational institution, provided and maintained by the people of the state, its buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the state.

[Order 4, § 132A-140-005, filed 8/31/77.]

WAC 132A-140-010 Limitations. (1) Buildings, properties and facilities of the college, including those of the associated students, may be used only for:

(a) The regularly established teaching, research, or related agencies.

(b) Cultural, educational, or recreational activities of the students, faculty, or staff.

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature, brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies, or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) Primary consideration shall be given at all times to activities specifically related to the mission of the college, and no arrangements shall be made that may interfere with or operate to the detriment of the teaching, research, or public service programs.

(3) Activities of a commercial or partisan political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside rooms or facilities to which access may be granted.

(4) The facilities of the college are available to recognized student groups, subject to these general policies.

[Order 4, § 132A-140-010, filed 8/31/77.]

[Title 132A WAC—p 12]

WAC 132A-140-015 Liability. Permission to an off-campus organization for use of district and college facilities will be granted only under the express understanding and condition that such off-campus organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the district for any loss or damage or claims arising out of such use.

[Order 4, § 132A-140-015, filed 8/31/77.]

WAC 132A-140-020 Commercial ventures on campus. College facilities may not be used for commercial solicitation, advertising, or promotional activities. The exception to this policy would be activities that clearly serve educational objectives such as display of books of interest to the academic community. Excepted also would be the display or demonstration of technical research equipment; in both cases displays must be conducted under the sponsorship or the request of a college department or by the office of the associated students (ASC). In no cases will such displays be allowed if they interfere with or operate to the detriment of the conduct of college affairs or the free flow of student or vehicular traffic.

[Order 4, § 132A-140-020, filed 8/31/77.]

WAC 132A-140-025 Bookstore. (1) Peninsula College bookstore operates as a business enterprise for the primary purpose of supplying textbooks and other class-related material to students. No individual or other entity is permitted to display or sell products in the store unless net proceeds accrue to the store, and such display or sale has been approved by the manager; provided, however, that certain items may be displayed and sold through the bookstore for the associated student body or student clubs with proceeds accruing to the seller. A handling fee may be charged for service provided by the store.

(a) Noneducational merchandise will be stocked subject to bookstore space, student convenience, financial return, and their suitability in the academic community.

(b) The store reserves the right to restrict any or all sales to Peninsula College students.

(2) Net proceeds from the bookstore support activities and/or building programs as directed by the board of trustees.

(a) New textbook prices are generally determined by publishers' recommended price list, used textbooks are sold at a percentage of new text prices, and merchandise other than textbooks is sold at prevailing market prices.

(b) All sales are for cash except to students attending college on specially-funded programs and having prior clearance from the business office or student services office.

(c) In the interest of equity to all students, special pricing and discounts shall not be available to any class of student or other consumer.

(d) Handling fees will be charged for special handling of books and other materials when normal markup does not cover bookstore expenses or provide normal margin

of profit. Such fees may be reflected as a part of the purchase price or invoiced separately.

(3) During the first ten academic days of each quarter, the full purchase price less handling and/or defacing charge will be refunded on textbooks if a cash register receipt and drop slip or proof of withdrawal is presented. From the eleventh day through the end of the quarter, used textbook prices will be paid for all repurchased books. Used texts will be repurchased at the close of each quarter by the bookstore or a commercial used-textbook buyer commissioned by the bookstore. When used texts are repurchased by or for the bookstore, the following conditions must be met:

(a) The book is in saleable condition.

(b) The book is to be used during the succeeding quarter. (At the close of spring quarter, texts to be used during any quarter of the succeeding year will be repurchased.)

(c) An overstock of the text does not exist.

(4) Prices paid for repurchased textbooks will be a percentage of the previous selling price.

(5) Special ordering for nonclass related merchandise will be done only on a time-available basis and must have permission of the manager. Full cost and profit margin shall be charged and a deposit equal to one hundred percent of the estimated retail price shall be required.

(6) Desk copies ordered by the bookstore or unsolicited copies sent to the bookstore will be forwarded to the division chairperson. The chairperson shall distribute desk copies within the division or place them in the library for reference.

(7) The store will normally be open seven hours for each day of regularly scheduled classes. Hours may be adjusted to meet special conditions including but not limited to registration periods and low-activity periods in summer school. Deviation from normal hours of operation shall be at the discretion of the manager.

[Order 4, § 132A-140-025, filed 8/31/77.]

Chapter 132A-156 WAC COLLEGE HOUSING

WAC

- 132A-156-005 General regulations.
- 132A-156-010 Specific regulations.
- 132A-156-015 Visitors.
- 132A-156-020 Attire.
- 132A-156-025 Damages.
- 132A-156-030 Room inspection.

WAC 132A-156-005 General regulations. Residents of the dormitory should respect the privacy of others and remember that individual rooms are used primarily for study and sleep during the evening hours. Thus a period of relative quiet should be maintained between the hours of 8:00 p.m. and 11:00 p.m., Sunday through Thursday; during this period radios, record players, and conversation should not disturb those wishing to study. Additionally, between the hours of 11:00 p.m. and 6:30 a.m., use of stereos, radios, record players, showers and washers

and dryers should be minimal to permit residents a standard sleeping hour.

[Order 4, § 132A-156-005, filed 8/31/77.]

WAC 132A-156-010 Specific regulations. (1) All residents are required to be in the dormitory at night by 2:00 a.m. Those not returning by the stated hours will be assumed to be on overnight visit off campus.

(2) Doors will be locked at 2:00 a.m. daily.

(3) No firearms may be kept in rooms, cars, or general-use areas. Residents wishing to have firearms accessible may check them for storage with the resident director.

(4) No alcoholic beverages, drugs, or narcotics are permitted on college property. This includes the dormitory.

(5) No pets (other than goldfish in small containers) are allowed in the dormitory. Goldfish are permitted only with the resident director's permission.

(6) By state law, no gambling is permitted.

(7) No open flames or cooking utensils with exposed elements are permitted in the dormitory.

(8) No furniture is to be taken from the lounge area.

[Order 4, § 132A-156-010, filed 8/31/77.]

WAC 132A-156-015 Visitors. (1) Residents of the dormitory are responsible for the conduct of their guests. Each resident should, therefore, see that his guests observe all dormitory and college regulations.

(2) Guests may be entertained in the dormitory from 10:00 a.m. to 1:00 a.m.

(3) A resident wishing to accommodate overnight guests may do so on Friday and Saturday nights provided he has permission from his roommate and the resident director. Where the above stipulations are met, and where a resident's visitor observes dormitory regulations, there will be no fee for overnight stays. In the event the host does not receive permission from the resident director, however, he will be assessed a fee of \$5.00.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution 80-04-016), § 132A-156-015, filed 5/30/80; Order 4, § 132A-156-015, filed 8/31/77.]

WAC 132A-156-020 Attire. (1) Resident attire in general-use areas and the lounge area of the dormitory should be appropriate during visiting hours.

(2) Attire for meals taken in the cafeteria may be casual, but all diners are required to wear shoes, as specified by state law, and may not wear short shorts or unhemmed cut-offs.

[Order 4, § 132A-156-020, filed 8/31/77.]

WAC 132A-156-025 Damages. Residents of the dormitory are responsible for any damage in the dormitory. Each resident is responsible for the well-being of his own room and should any damages occur, will be financially responsible. The director of housing can require immediate cash payment for any damages. In the event that a student is unable or unwilling to pay, his parents will be contacted for payment. In the event that

cash payment is not required, the amount will be deducted from the student's damage deposit. Residents are responsible for damage to their rooms regardless of who actually damaged the premises; if the guilty party is identified, however, he will be held responsible. Residents who are found guilty of malicious destruction will face disciplinary action in addition to being held responsible for payment of repairs. Violation of dormitory regulations may result in expulsion from the dormitory and loss of room rental and deposit.

[Order 4, § 132A-156-025, filed 8/31/77.]

WAC 132A-156-030 Room inspection. Periodic room checks will be made from time to time. Room check at any time through the evening after closing hours will be conducted as deemed necessary by the resident director.

[Order 4, § 132A-156-030, filed 8/31/77.]

Chapter 132A-160 WAC

ADMISSION AND REGISTRATION PROCEDURES

WAC

132A-160-005 Application and registration.
132A-160-015 Foreign students.
132A-160-020 Tuition refund policy.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132A-160-010 Testing. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution 80-04-016), § 132A-160-010, filed 5/30/80; Order 4, § 132A-160-010, filed 8/31/77.] Repealed by 83-14-068 (Order 7, Resolution No. 83-09-041), filed 7/5/83. Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW.

WAC 132A-160-005 Application and registration.

(1) Persons wishing to make application to Peninsula College should secure a state of Washington community college admission form from any high school principal's office in the state of Washington or from Peninsula College. Applicants should complete the application form and arrange for transcripts and test scores to be sent to Peninsula College from any high schools or colleges he/she may have attended. The student will be notified of acceptance into Peninsula College upon receipt of the application, transcripts, and test scores. A faculty advisor will be assigned. Information regarding dormitories, financial aid and/or applications to certain vocational programs will be sent upon request of the applicant.

(2) A few weeks prior to the time classes are to begin, a letter is sent from the registrar to notify each student of the date and time scheduled for placement tests, college orientation, advising, and registration.

(3) Registration for evening courses is held simultaneously or prior to registration for day courses and continues throughout the registration period. An appointment is not required for evening registration.

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(4) The quarterly registration fee must be paid at the time of registration. A person is not enrolled until fees are paid.

(5) Persons desiring to register after classes have begun must have written approval of the instructor and the registrar or dean of instruction.

(6) A person must be enrolled officially in a course in order to attend class.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-005, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-160-005, filed 5/30/80; Order 4, § 132A-160-005, filed 8/31/77.]

WAC 132A-160-015 Foreign students. [Foreign] students must comply also with the following requirements:

(1) Subscribe to a comprehensive medical insurance program prior to arrival on the Peninsula College campus.

(2) Single students must agree to reside in college housing for at least one academic year (nine months).

(3) Submit a \$60 (subject to change) dormitory deposit prior to arrival on campus in order to reserve a room.

(4) Present a document of proof of finance from a sponsor, and have on deposit with the college business office, prior to receiving a certificate of eligibility, at least one-third of the funds necessary to meet expenses for the academic year.

(5) Present documented evidence of good physical condition.

(6) For applicants whose native language is not English, he/she must:

(a) Present evidence of successful completion of the test of English as a foreign language (TOEFL). The acceptable minimum score is 500. In countries where the TOEFL is not available, students can be given the Michigan test of language competency at the nearest United States consulate. The acceptable minimum score is 80.

(b) Students who have attended an accredited English language services (ELS) language center and satisfactorily have completed Level 108 in a 10-level program or Level 6 in a six-level program will be considered for admission to the college.

(c) Any student from a non-English speaking country who enters a United States high school at grade nine and graduates with satisfactory grades will be considered for admission.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-015, filed 7/5/83; Order 4, § 132A-160-015, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 132A-160-020 Tuition refund policy. (1) Fall, winter, and spring quarters: Full refund of tuition and fees will be made to students who withdraw from the college prior to the sixth instructional day of the quarter for which the tuition and fees were paid. Fifty percent

refund of tuition and fees will be made to students who withdraw from the college on or after the sixth day of instruction, but within thirty calendar days following the first scheduled instructional day of that quarter.

Refunds will be made under the schedule above for credit load reductions if the total number of remaining credits is less than ten. Refunds will be made only in the academic year in which registration and fees were paid. Students who are required to withdraw because of misconduct will receive no refund subsequent to the refund period.

(2) Summer quarter: In order to be eligible for refund of tuition and fees, a student must withdraw officially from credit courses prior to the sixth day of scheduled instruction. This rule applies both to eight-week and four-week summer sessions.

In the case of credit courses which are scheduled for less than four weeks duration, tuition and fee refund will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

Refunds of fees for community service (self-support) courses will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

No partial refunds will be made for reductions in course loads made subsequent to the fifth day of instruction.

If the college cancels any course, regular or community service, full refunds will be made to students previously registered for that course.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-020, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-160-020, filed 5/30/80.]

Chapter 132A-165 WAC SCHOLASTIC STANDARDS

WAC

- 132A-165-005 Admission.
- 132A-165-015 Assessment and placement.
- 132A-165-025 Advanced placement in English.
- 132A-165-035 Grading.
- 132A-165-045 Honor roll.
- 132A-165-055 Academic probation.
- 132A-165-065 Transfer policies.
- 132A-165-075 Armed services courses.
- 132A-165-085 College level examination program (CLEP).

WAC 132A-165-005 Admission. (1) Admission to the college: A person must be 18 years of age or older or must be a high school graduate. Consideration will be given for admission to some college classes of persons who are currently enrolled in a regular high school program, can provide evidence of satisfactory progress toward high school graduation, can provide evidence of ability to benefit from college coursework, and have the approval of the principal of the high school attended and also the college registrar.

(2) Admission to programs: Admission to the college does not guarantee admission into specific vocational

education programs. Separate application must be made for these programs. The number of students enrolling in vocational courses is limited to the number of clinical and/or laboratory spaces available to each program. Some programs also have specific academic and/or physical requirements to be met by students entering the program.

(a) Admission is in order of registration for fisheries technology, engineering technology, mid-management, accounting, secretarial, real estate, and forestry technology.

(b) Admission is in order of application for automotive mechanic and heavy-diesel mechanic.

(c) Admission is in order of application for the industrial electronics program. A prerequisite for admission to the program is completion of Mathematics 101 or two years of high school algebra.

(d) Applicants are selected by a college nursing admittance committee from among all candidates who meet the required academic and physical criteria. To be considered for admission to the licensed practical nurse and/or associate degree nurse programs, an applicant must be either a high school graduate or have completed the GED; have completed biology, chemistry, and algebra (or equivalent in either high school or college; be in good physical and mental health; meet the criteria for enrollment in college-level courses; complete the application process between June 1 and February 15 in order to be considered for admission to the course beginning the next fall quarter.

(3) Applicants who have been recommended for admission to the nursing program are required to have complete physical examinations, an update of all immunizations, a urinalysis, blood test, and a tuberculin test.

(4) Some medical conditions may affect an applicant's acceptance into the nursing program. These conditions are examined by the nursing admittance committee as part of the total evaluation process. The judgment and expertise of the nursing admittance committee will be given major consideration in making all admittance decisions.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-005, filed 7/5/83.]

WAC 132A-165-015 Assessment and placement. (1) All incoming students registering for degree-level courses must be evaluated for English and mathematics achievement. This requirement will not apply to students who register for evening classes only (courses beginning after 5 p.m.) or to students registering only for courses which have no skills prerequisite.

(2) All incoming students must meet the established minimum English and mathematics achievement-level requirements before entry into degree or certificate programs. The attainment of minimum levels of achievement is a prerequisite to registration in any program, is established by program, and will vary according to particular program requirements. The college reserves the right to deny students entrance to specific programs if

they do not meet established achievement-level requirements.

(3) Students who do not meet the minimum requirements will be assigned to a developmental advisor for placement and academic guidance.

(4) English and mathematics achievements levels are established by administrative decision and are based upon reasonable expectations of student performance in academic and vocational instructional programs. These requirements may vary as deemed appropriate or necessary to the college.

(5) All procedures and requirements established separately for the administration of this policy are adjunct to and a part of this policy.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-015, filed 7/5/83.]

WAC 132A-165-025 Advanced placement in English. Peninsula College will grant English credit to entering students based upon certain levels of performance in the advanced placement English examinations administered by the college entrance examination board. A maximum of ten quarter credit hours may be granted. Registered Peninsula College students who apply for advanced placement credit must request that official transcripts of advanced placement scores be sent directly from the college entrance examination board to the college registrar. The registrar will notify applicants for advanced placement credits of the number of credits to be granted and the courses in which credit will be allowed.

Advanced placement English credits granted by Peninsula College will be contingent upon completion of at least thirty quarter hours of credit at Peninsula College with a cumulative grade point average of 3.0 or higher. Advanced placement credit will not be included as part of the thirty required hours. Advanced placement credit will be entered upon student transcripts as "pass" credit and will carry no grade points.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-025, filed 7/5/83.]

WAC 132A-165-035 Grading. Peninsula College instructors are responsible for evaluating student performance in the courses they teach. Evaluation is made in accordance with the grading pattern: A, B, C, D, E, and at the end of each quarter a copy of grades and credits earned is mailed to the address listed on the student's registration.

Students who withdraw from a course prior to the last 30 calendar days of the quarter receive a W.

An incomplete (I) is given by the instructor who determines that for good and sufficient reasons the student has been unable to finish the required coursework. A memorandum signed by the instructor, stating the nature of work to be made up, is filed with the office of the registrar at the time grades are recorded.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-035, filed 7/5/83.]

WAC 132A-165-045 Honor roll. A student who is enrolled for at least 12 quarter hours of credit in courses for which grade points are assigned, receives no incompletes, and earns a grade-point average of not less than 3.85 will be listed on the president's list; those earning 3.25 to 3.84 will be on the honor roll.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-045, filed 7/5/83.]

WAC 132A-165-055 Academic probation. A student whose cumulative grade-point average falls below 2.00 is placed on probation. If the student does not complete 10 credits with a grade-point average of 2.00 or above during the probationary quarter, he/she is dismissed from the college. To apply to readmission to the college, the student must meet with an adviser or with a counselor to draft a letter of petition for readmission to submit to the scholastic standing committee. The committee, if necessary, will schedule a hearing with the student, review the records, and make a decision regarding readmission. It is understood that readmission to the college does not guarantee admission to all courses or any specific vocational program.

A course in which a grade of less than C is received may be repeated one time. Only the grade earned in a repeated course is used in computing the grade-point average. The student should initiate the request for a grade-point recomputation by a written request to the registrar. A person who has not been enrolled for a period of two or more years at Peninsula College may petition to have previously earned Peninsula College grades disregarded in computing a grade-point average.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-055, filed 7/5/83.]

WAC 132A-165-065 Transfer policies. Peninsula College has set its general education requirements for the associate of arts degree to conform with guidelines of the Washington intercollege relations council for direct transfer of AA degree credits. Senior colleges and universities also accept these guidelines or have separate agreements with Peninsula College to grant junior status. They consider their general education requirements fulfilled for students entering with the AA degree.

In general, Peninsula College routinely grants credit for baccalaureate-oriented courses completed at accredited institutions of higher education.

Credit for vocational-oriented courses is at the discretion of the department or division chairperson of the applicable program in conjunction with the dean of instruction.

Regardless of institutional accreditation, Peninsula College does not grant credit for religion or theology courses that are sectarian in nature.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-065, filed 7/5/83.]

WAC 132A-165-075 Armed services courses. When armed services courses are directly related to a student's

course of study or program at Peninsula College, credit may be awarded for use toward a specific degree or certificate. Procedure for requesting a formal evaluation of credit may be obtained from the registrar's office. A formal evaluation of credits may be done after a student has completed a minimum of 24 credits at Peninsula College; however, a student may meet with the dean of instruction prior to completion of the 24 credits to discuss the probability of obtaining credit for certain armed services courses.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-075, filed 7/5/83.]

WAC 132A-165-085 College level examination program (CLEP). CLEP tests are accepted for credit provided the student obtains a standard score of 500 or above on any of the general examinations or a standard score of 50 or above on any of the subject area examinations. Up to nine credits may be allowed for successful completion of a general area test and up to five credits for a subject area test. Credits obtained through these sources become a part of the student's record only after he/she has satisfactorily completed 24 quarter credits at Peninsula College with a minimum cumulative grade-point average of 2.00.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-085, filed 7/5/83.]

Chapter 132A-168 WAC USE OF LIBRARY

WAC

132A-168-005 Circulation.
132A-168-010 Fines and charges.
132A-168-015 Hours.

WAC 132A-168-005 Circulation. (1) Open stack books can be charged out for two weeks with renewal privileges.

(2) Reserve books and periodicals can be charged out:

(a) When the library is open in the evenings, check-out time for two-hour reserve books is 8 p.m. and books are due by 9 a.m. the following morning. On Friday, two-hour reserve books may be checked out at 2 p.m. They must be returned by 9 a.m. the following Monday.

(b) One-day reserve books may be checked out at any time but are due at 9 a.m. the following school day.

(c) Three-day reserve books may be checked out at any time and are to be returned on date due or before.

(d) Periodicals may be checked out for three days.

(e) Vertical file materials may be checked out for three days.

[Order 4, § 132A-168-005, filed 8/31/77.]

WAC 132A-168-010 Fines and charges. (1) Circulating materials and reserves, no fines.

(2) Lost book, cost of replacing book plus \$2 for ordering and processing.

(1990 Ed.)

(3) Damaged book, charges set by the director of library services.

(4) Lost periodicals, minimum of \$1 or replacement.

(5) It is expected that all circulating material be returned at the time they are due. At the end of each quarter, transcripts may be withheld until the library record is cleared.

[Order 4, § 132A-168-010, filed 8/31/77.]

WAC 132A-168-015 Hours. (1) During the regular school sessions, the library hours are: Monday through Thursday, 7:30 a.m. to 9:30 p.m.; Friday, 7:30 a.m. to 5:00 p.m.

[(2) During the summer session, the library hours are: Monday thru Friday, 7:45 a.m. to 4:00 p.m.]

[(3) The library is closed on holidays. Any variations from this schedule will be posted on the circulation desk.]

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-168-015, filed 5/30/80; Order 4, § 132A-168-015, filed 8/31/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

Chapter 132A-176 WAC ENVIRONMENTAL POLICY

WAC

132A-176-005 Environmental policy.

WAC 132A-176-005 Environmental policy. It shall be the policy of Community College District No. 1 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education; and in compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

[Order 1, § 132A-176-005, filed 6/1/76.]

Chapter 132A-180 WAC COPYRIGHT AND PATENT POLICIES

WAC

132A-180-005 General statement.
132A-180-010 Scope of policy.
132A-180-015 Materials subject to copyright.
132A-180-020 Rights to copyrightable materials.
132A-180-025 Procedures.
132A-180-030 Use of materials.
132A-180-035 Payments to the individual creator.
132A-180-040 Protection and liability.

WAC 132A-180-005 General statement. (1) The college recognizes as part of the institutional educational mission the publication of certain kinds of materials

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which may be germane to educational processes or that may be classified as scholarly work. The college recognizes and encourages also the right of faculty, staff, and students to exercise individual initiative in creating materials which meet copyright specifications and which may generate royalty income for the creator when marketed.

(2) The generation of materials which may be copyrighted often extends beyond the initiative of individuals and may include the use of institutional equipment and facilities and financial support either from the institution or from outside sources. Accordingly, the college will maintain a policy which clarifies and protects the respective rights of faculty, staff, or student employees and the college by defining the types of materials which should be designated as "college-supported" or "college-sponsored" by establishing procedures for administering policy concerning these materials and by stating policy governing their ownership and use and the rights to income produced therefrom.

(3) It should be emphasized that this policy does not affect the personal ownership rights of faculty, staff, or student employees to books or other materials not specifically commissioned by the college or the preparation of which were not assisted in any significant way by a third party sponsor or the college. The creator is free to contract for publication, copyright his products in his own name, and receive royalties resulting from sales, providing the initiative for the work came from him and the college—including grants or contracts administered by the college—did not provide a significant portion of the resources utilized in production of materials.

[Order 2, § 132A-180-005, filed 12/8/76.]

WAC 132A-180-010 Scope of policy. This statement of policy shall apply to all faculty, staff, and student employees of the college and any group or groups of faculty or staff or student employees of the college or any combination thereof. Definitions: Wherever used herein, the term "individual" means any faculty, staff, or student employee or employees of the college or any group or groups of faculty, staff, or student employees of the college; "creator" means the author or producer of a creative work. Wherever used herein, the term "college copyright administrator" shall mean the college president.

[Order 2, § 132A-180-010, filed 12/8/76.]

WAC 132A-180-015 Materials subject to copyright. (1) The following original creations, among others, ordinarily are classed as copyrightable:

(a) Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals.

(b) Lectures, musical or dramatic compositions, and unpublished scripts.

(c) Films, film strips, charts, transparencies, and other visual aids.

(d) Video and audio tapes and cassettes.

(e) Live video or audio broadcasts.

(f) Programmed instruction materials.

(g) Computer programs.

(2) This policy does not apply to the following types of materials:

(a) Articles submitted to or published by scholarly and professional journals.

(b) Class notes produced in connection with a regularly-scheduled course of instruction.

[Order 2, § 132A-180-015, filed 12/8/76.]

WAC 132A-180-020 Rights to copyrightable materials. (1) Individual effort: Any individual who produces copyright-eligible material as the result of individual initiative and without the significant assistance, support or sponsorship of the college shall retain full right of ownership, control, use, and disposition over the material. The individual shall be solely responsible under such circumstances for determining whether to copyright the material.

(2) College-supported individual effort: If the college provides significant support or assistance for an individual in producing materials eligible for copyright such as, but not limited to, the creator's use of college funds, equipment, facilities, materials, staff services, or other resources without personal charge to the individual, ownership of rights in the material shall be vested in the college subject to the conditions set forth in this policy. The college may copyright such materials when it appears that copyrighting will be in the best interest of the college and the individual.

Any individual who is preparing, or is planning to prepare copyright-eligible material under circumstances which may be considered college-supported, assisted, or sponsored, shall initiate an inquiry as to their status. A descriptive statement of the relevant facts shall be forwarded to the college copyright administrator. Thereafter, the college copyright administrator shall advise the individual as promptly as possible as to whether the materials should be regarded as college-supported or college-sponsored within the meaning of this policy. The college copyright administrator's decision in such cases will be considered as an advisory opinion subject to clarification and final decision when the work is completed. The final decision will be rendered in accordance with WAC 132A-180-025.

(3) College-sponsored effort: Ownership rights in college-sponsored materials shall be vested in the college subject to the conditions set forth in this statement of policy. Materials are college-sponsored if the individual has been commissioned in writing by the college or otherwise assigned to develop the materials and, in their production, has been authorized released time for which the individual will receive compensation from the college funds, including grant and contract funds administered by the college, the college copyright administrator may, in his sole discretion, elect to share with the individual, royalties resulting from sales of such materials: *Provided*, That the individual shall have no right to the sharing of such royalties in the absence of an express written agreement with the college copyright administrator.

(4) Efforts supported by outside agencies: Copyright-eligible materials produced under the sponsorship of agencies outside the college must contain specific provisions regarding the disposition of any royalties or materials generated through grants or contracts furnished by such agencies. Any individual accepting support from outside agencies should understand clearly their rights and obligations under these conditions. The college will not enter any performance contract with an outside agency which required an individual's participation unless royalty rights and the disposition of copyright-eligible materials are specified clearly, unless such disposition is acceptable to the college copyright administrator, and unless the conditions are compatible with college policies covering such activities.

Where the college is a party to sponsored projects resulting in production of copyrightable materials, the following conditions will apply:

- (a) Title to all materials will remain with the college.
- (b) The sponsor of the project may retain rights to royalty-exempt use of materials.
- (c) With college concurrence, parties to a sponsored grant or contract may agree to assignment of rights which may vary from (a) and (b).
- (d) The sharing of any royalty income other than under the terms of condition (a), will be specified under the terms of the original contract with the sponsoring agency and will be determined solely at the discretion of the college copyright administrator.
- (e) Individual participation in royalty income generated from copyrighted materials emanating from sponsored projects may be subject to sponsor regulations, but must be specified by contract between the college and the individual if different from condition (a) above.
- (f) As copyright administrator, the president of the college will retain final responsibility and authority for all decisions on royalty sharing and other copyright matters involving the college.

[Order 2, § 132A-180-020, filed 12/8/76.]

WAC 132A-180-025 Procedures. (1) In any instance where copyrightable materials are generated other than by individual initiative, i.e., partially or fully supported or sponsored by the college; or sponsored by an outside agency but involving college participation, the college copyright administrator will confer with the individual creator and other concerned parties to reach a copyright agreement which is acceptable to all parties and consistent with the college copyright policy.

(2) The college copyright administrator may appoint a copyright committee of up to three persons to advise him concerning matters related to ownership, disposition, and royalty distribution from copyrightable materials.

(3) All programs expected to generate copyrightable materials by other than individual effort must undergo prior review by the copyright administrator in accordance with WAC 132A-180-030(2) in order that a preliminary determination can be made regarding rights, disposition of materials, and distribution of income.

(4) Advance arrangements must be part of all project files; similarly, copies of all agreements will be maintained as a matter of record by the college copyright administrator.

(5) Any agreement made with individual creators may be reviewed and revised subsequently at the option of the college contract administrator.

(6) All contracts or agreements made with individuals or sponsoring agencies must contain reference to the college copyright policy as a basis for the agreement.

(7) In all instances, copyright agreements and decisions affecting those agreements will be formulated on the assumption that protection of the rights of individuals is of importance and that agreements should be designated to stimulate individual initiative.

(8) All agreements made under the college copyright policy and these procedures should be so designed to assure adequate controls and to fulfill college accountability for allocated public resources and the reimbursement of those resources where appropriate.

[Order 2, § 132A-180-025, filed 12/8/76.]

WAC 132A-180-030 Use of materials. (1) Two categories of use are differentiated for purposes of this policy:

(a) Internal use: Or, use by any unit of the college for instruction or other educational purposes.

(b) External use: Or, use by educational institutions other than the college, government, and other nonprofit institutions, and use resulting from lease or other contractual arrangements for commercial distribution of the materials.

(2) Use of college-supported or college-sponsored materials under this policy shall be subject to the following conditions:

(a) Internal use: 1) Use within the college does not require the approval of either the individual creator or the college unless advance approval is required by a prior written agreement; 2) as long as the individual creator of college-supported or college-sponsored materials remains employed by the college: a) He may request reasonable revisions of the materials prior to any instance of internal use, b) he may ask that the materials be withdrawn from internal use if necessary revisions are not feasible. The final decision regarding appropriate revision or withdrawal of materials will be made by the college copyright administrator. 3) If the individual creator terminates employment with the college, then the college retains the right to continue internal use of the college-supported or college-sponsored materials unless the individual and the college agree in writing on special conditions for subsequent internal use of the materials and the procedures for their revision.

(b) External use: Licensing or sale of college-supported or college-sponsored materials for external use shall be preceded by written agreement between the college and the individual creator specifying the conditions of use, and including provisions concerning the right of the individual creator to revise materials periodically or to withdraw them from use, subject to existing agreements, in the event revisions are not feasible.

[Order 2, § 132A-180-030, filed 12/8/76.]

WAC 132A-180-035 Payments to the individual creator. (1) Compensation for production activity: In general, the regular assignments of the individual should be adjusted to take into account the extra time required to develop or produce college-supported or college-sponsored materials. In these circumstances, additive compensation would not be paid to the individual creator. If recorded material is reused, it may be appropriate to adjust the regular assignments of the individual where he makes some continuing input or contribution to the repeated program.

(2) Income from sales or rentals:

(a) Both the college and the individual are entitled to a share of income from the licensing or sale of college-supported or college-sponsored materials: The college on the basis of salary, facilities, administrative support, or other resources devoted to the project; and the individual for creative activity which contributes to an enriched educational program. Where sponsored grant or contract funds are involved, the division of income will be subject to approval by the sponsoring agency. In some cases, the sponsor may require that all income be credited to the project account.

(b) Where college-supported or college-sponsored materials are to be sold or rented, the [and] subject to any limitations specified by granting agencies, the following guidelines pertaining to financial arrangements should be observed: 1) All incremental expenses related to the production and distribution of additional copies will be recovered from each sale or rental. 2) An appropriate fraction of the college's original production costs, as agreed upon between the individual and the college copyright administrator, should also be recovered from each sale or rental. 3) Subject to any limitations specified by outside granting agencies, a royalty of not more than ten percent of items 1) and 2) may be included in the sale or rental price. After production costs are fully recovered and after required distribution to a sponsoring agency, if any, the resultant royalty income will be divided equally between the individual and the college.

[Order 2, § 132A-180-035, filed 12/8/76.]

WAC 132A-180-040 Protection and liability. (1) The college copyright administrator shall investigate allegations of unauthorized use or copyright infringement of college-supported or college-sponsored materials and shall recommend appropriate action. If such action is started by the college, all costs of such action shall be borne by the college. All proceeds in excess of such costs shall be shared equally by the college and the individual creator, subject to sponsoring agency limitations, if any, when a grant or contract is involved.

(2) Before any use is made of college-supported or college-sponsored materials, the individual creator shall certify in writing to the college copyright administrator that, to the best of the individual creator's knowledge, the materials do not infringe on any existing copyright

or other legal right. When there are allegations of violations of personal or property rights by the college or by the individual creator of college-supported or college-sponsored materials copyrighted by the college, the college shall assume responsibility for the defense of any action. However, the individual creator shall indemnify the college against any damages, charges, costs, expenses (including counsel fees), judgments, penalties, liabilities, or losses of any other kind or nature whatsoever, which are sustained or suffered by or secured against or imposed on the college as a result of the finding of any court or [of] law or any other decision-making tribunal that publication or use of the college-supported or college-sponsored material infringed on or violated any statutory or common law right or any other right of any character of any party whomsoever.

[Order 2, § 132A-180-040, filed 12/8/76.]

Chapter 132A-276 WAC PUBLIC DISCLOSURE POLICY

WAC

- 132A-276-005 Purpose.
- 132A-276-010 Definitions.
- 132A-276-015 Description of district.
- 132A-276-020 Operations and procedures.
- 132A-276-025 Records availability.
- 132A-276-030 Public records officer.
- 132A-276-035 Office hours.
- 132A-276-040 Requests for public records.
- 132A-276-045 Copying.
- 132A-276-050 Exemptions.
- 132A-276-055 Review of denials.
- 132A-276-060 Protection of public records.
- 132A-276-065 Records index.
- 132A-276-070 Adoption of form—Appendix A.

WAC 132A-276-005 Purpose. The purpose of this chapter shall be to ensure compliance by the Community College District No. I with the provisions of chapter 42.17 RCW (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Order 3, § 132A-276-005, filed 12/8/76.]

WAC 132A-276-010 Definitions. (1) **PUBLIC RECORDS.** "Public record" includes any writing containing information relating to the conduct of government, or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) **COMMUNITY COLLEGE DISTRICT NO. I.** The Community College District No. I is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. I shall hereinafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff, the board of trustees, and employees of the district.

[Order 3, § 132A-276-010, filed 12/8/76.]

WAC 132A-276-015 Description of district. District No. I is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, Washington, 98362.

[Order 3, § 132A-276-015, filed 12/8/76.]

WAC 132A-276-020 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the third Wednesday of each month at 7:30 p.m. in the board room of Peninsula College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted them under RCW 28B.50.140.

[Order 3, § 132A-276-020, filed 12/8/76.]

WAC 132A-276-025 Records availability. All public records of the district, as defined in WAC 132A-276-010 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 132A-276-050.

[Order 3, § 132A-276-025, filed 12/8/76.]

WAC 132A-276-030 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Order 3, § 132A-276-030, filed 12/8/76.]

WAC 132A-276-035 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 3, § 132A-276-035, filed 12/8/76.]

(1990 Ed.)

WAC 132A-276-040 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

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

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record requested.

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

[Order 3, § 132A-276-040, filed 12/8/76.]

WAC 132A-276-045 Copying. No fee shall be charged for the inspection of public records. The district shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check, or cash in advance.

[Order 3, § 132A-276-045, filed 12/8/76.]

WAC 132A-276-050 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132A-276-040 is exempt under the provisions of RCW 42.17.310.

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

[Title 132A WAC—p 21]

(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 record withheld.

[Order 3, § 132A-276-050, filed 12/8/76.]

WAC 132A-276-055 Review of denials. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

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

[Order 3, § 132A-276-055, filed 12/8/76.]

WAC 132A-276-060 Protection of public records. Requests for public records shall be made in the administration building of Peninsula College. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at Peninsula College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132A-276-045.

[Order 3, § 132A-276-060, filed 12/8/76.]

WAC 132A-276-065 Records index. The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Planning policies and goals, and interim and final planning decisions;

[Title 132A WAC—p 22]

(5) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others;

(6) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

[Order 3, § 132A-276-065, filed 12/8/76.]

WAC 132A-276-070 Adoption of form—Appendix A. The district hereby adopts for use by all persons requesting inspection and/or copying, or copies of its records, the form following this page, marked Appendix A, and entitled "request for public record."

APPENDIX A

REQUEST FOR PUBLIC RECORD TO
COMMUNITY COLLEGE DISTRICT NO. I

(a) Signature ----- Name (Please print) -----

Name of organization, if applicable -----

Mailing address of applicant ----- Phone number -----

(b) Date request made at Community ----- Time of Day
College District No. I ----- request made

(c) Nature of request -----

(d) Identification reference on current index ----- Please describe -----

(e) Description of record, or matter, requested if not identifiable by reference to the Community College District No. 1 current index -----

Request approved ----- By -----
Date ----- Public Records Officer

Request denied -----
Date -----

Reasons for denial: -----

Referred to ----- Date -----

By -----
Public Records Officer

[Order 3, § 132A-276-070, filed 12/8/76.]

Chapter 132A-280 WAC
CONFIDENTIALITY OF STUDENT RECORDS

WAC

- 132A-280-005 General statement.
132A-280-010 Definition of student.
132A-280-015 Definition of official records.
132A-280-020 Administrative safeguards.
132A-280-030 Application of terms of the policy.

WAC 132A-280-005 General statement. Information contained in Peninsula College official records shall be revealed only with the written consent of the student or students to whom the records pertain. Exceptions to this rule shall be those instances where certain data are required under appropriate law by federal or state agencies; and where employees of Peninsula College have need for confidential student information in order to fulfill the terms and requirements of their employment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-005, filed 5/30/80.]

WAC 132A-280-010 Definition of student. For purposes of this policy, a student shall be defined as a person who is, or who has been in the past, officially registered for Peninsula College courses and for whom the college maintains official records.

[Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-280-010, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-010, filed 5/30/80.]

WAC 132A-280-015 Definition of official records. Official records shall be defined as transcripts of Peninsula College credits attempted or completed; transcripts of credits from high schools and other collegiate institutions; the records of standard test scores; degree check lists; student interest inventories; academic advising documents; registration forms, and all personal information such as student addresses, telephone numbers, Social Security numbers, and other information ordinarily furnished by students to the college for administrative purposes.

Permanent official records shall be defined as transcripts of Peninsula College credits attempted or completed, together with all personal information normally a part of those transcripts. Subsequent to the last quarter of a student's registration at Peninsula College, all information other than Peninsula College transcripts shall be maintained in a separate file for a period of three years. At the end of the three-year period, such information shall be destroyed under the supervision of the college registrar. Official Peninsula College transcripts shall remain on file permanently in the college vault. Transcript information also shall be retained permanently in the computer file of the college student information system.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-015, filed 5/30/80.]

WAC 132A-280-020 Administrative safeguards.

The college shall maintain reasonable administrative safeguards to ensure that confidential information as defined above is not disclosed to those who do not have an official right or who do not have written permission of the appropriate student to review such information.

(a) Any student who desires to review his or her official records shall be given reasonable access to those records under the supervision of the college registrar or the registrar's designee. The registrar shall have the responsibility for determining records access, under the terms of this policy, for any individual or agency requesting such information. Requests for information shall be made directly to the registrar.

(b) Other than those students to whom the official records pertain, no individual or agency allowed access to student records shall be authorized to release or convey information retrieved from such records to any other individual or agency not authorized by terms of this policy to possess such information by right of written authorization from the appropriate student or students. All written authorization shall be retained as part of the permanent student documentary record file.

(c) Official records shall not include information on any period of employment at Peninsula College of individuals who have been registered also as students. Access to student employment records and information shall be governed by the Peninsula College essential records protection policy, contained in chapter VI of the Peninsula College general policy and procedure manual.

(d) In addition to providing written consent to the registrar for individuals or agencies to review official records or to extract information from those records, a student may provide by written consent the right of individuals or agencies, including Peninsula College, to reveal confidential information for public or private use. Such consent may include admission to another educational institution; application for employment; scholarship and financial aid application; honorary recognition; or public information uses.

(e) A student request, entered upon an official request form, to convey official Peninsula College transcripts to another institution, agency, or individual, shall be considered as written student permission to reveal such information.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-020, filed 5/30/80.]

WAC 132A-280-030 Application of terms of the policy.

The registrar is responsible for the uniform application of the terms of this policy. Any individual who questions the application of the terms of this policy to the privacy of information in official student records may appeal to the college president. In such instances, the president's decision concerning the application of the policy terms shall be final.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-030, filed 5/30/80.]

**Chapter 132A-300 WAC
GRIEVANCE RULES--TITLE IX**

WAC

132A-300-005 Statement of policy.

132A-300-010 Grievance procedure.

WAC 132A-300-005 Statement of policy. Peninsula College is covered by Title IX prohibiting sex discrimination in education. It is the policy of Peninsula College to insure equal opportunity without regard to sex in all areas of admission, education, application for employment, and employment.

[Order 4, § 132A-300-005, filed 8/31/77.]

WAC 132A-300-010 Grievance procedure. (1) Any applicant for admission, enrolled student, applicant for employment or employee of Peninsula College who believes he/she has been discriminated against on the basis of sex may lodge a formal institutional grievance by:

(a) Step 1: Informal meeting – Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern.

(b) Step 2: Title IX official hearing – If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance, a meeting with the Title IX officer. Within 30 days of receiving the written request, the Title IX officer will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the Title IX officer will meet with each party separately or in a single meeting. If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed, and the Title IX officer who will chair the meeting.

(c) Step 3: Presidential appeal – If the complaint is not resolved as a result of the hearing conducted by the Title IX officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within 10 days after receiving the written results of Title IX official hearing. Within 15 days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(i) The college president or designee, the Title IX officer, the complainant, and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

(ii) Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

(iii) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

[Title 132A WAC—p 24]

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW, 1321 Second Avenue, Seattle, WA 98101.

(b) The Equal Opportunity Commission, 705 Second Avenue, Seattle, WA 98101.

(c) Human Rights Commission, 402 Evergreen Plaza Building 7th and Capitol Way, Olympia, WA 98504.

[Order 4, § 132A-300-010, filed 8/31/77.]

**Chapter 132A-310 WAC
GRIEVANCE PROCEDURES--HANDICAPPED**

WAC

132A-310-005 Statement of policy.

132A-310-010 Grievance procedure.

WAC 132A-310-005 Statement of policy. Peninsula College is covered by Section 504 of the Rehabilitation Act of 1973 which mandates equal opportunities for qualified handicapped persons. It is the policy of Peninsula College to insure equal opportunity without regard to handicaps in all areas of admission, education, application for employment, and employment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-310-005, filed 5/30/80.]

WAC 132A-310-010 Grievance procedure. (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Peninsula College who believes he/she has been discriminated against on the basis of his handicap may lodge a formal institutional grievance by:

(a) Step 1: Informal meeting – Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern.

(b) Step 2: 504 (Section 84.7(b)) Official hearing – If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance(s), a meeting with the college 504 officer. Within 30 days of receiving the written request, the 504 officer will have arranged a meeting and reported the findings in writing to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the 504 officer will meet with each party separately or in a single meeting. If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed, and the 504 officer who will chair the meeting.

(c) Step 3: Presidential appeal – If the complaint is not resolved as a result of the hearing conducted by the 504 officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within 10 days after receiving the written results of 504 official hearing. Within 15 days after receiving the written request, the college president or the president's designee will conduct

(1990 Ed.)

the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

The college president or designee, the 504 officer, the complainant, and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW; 1321 Second Avenue; Seattle, Washington 98101.

(b) The Equal Opportunity Commission; 705 Second Avenue; Seattle, Washington 98101.

(c) Human Rights Commission; 402 Evergreen Plaza Building; 7th and Capitol Way; Olympia, Washington 98504.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-310-010, filed 5/30/80.]