

Title 132K WAC

COMMUNITY COLLEGES--PIERCE COLLEGE

(Formerly: Fort Steilacoom Community College)

Chapters

- 132K-04** Board of trustees--Bylaws.
- 132K-08** A code of ethics for boards of trustees.
- 132K-10** State Environmental Policy Act (SEPA) rules.
- 132K-12** Personnel rules.
- 132K-16** Student rights and responsibilities.
- 132K-20** Tenure policy.
- 132K-24** Continuing teaching excellence and professional improvement policy.
- 132K-112** Qualifications and personnel selection policy--Election rules.
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- 132K-122** Students records release policy.
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- 132K-300** Notice of intent to withhold services and/or offset wages for outstanding debts Community College District No. 11 Pierce College.
- 132K-995** Appendix--Policies and procedures manual.

- 132K-104-025** Agenda. [Order 10, § 132K-104-025, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-030** Records of board action. [Order 10, § 132K-104-030, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-035** Parliamentary procedure. [Order 10, § 132K-104-035, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-040** Officers of the board. [Order 10, § 132K-104-040, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-045** Restriction of individual authority. [Order 10, § 132K-104-045, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-050** Fiscal year. [Order 10, § 132K-104-050, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-055** Official seal. [Order 10, § 132K-104-055, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-060** Revision of bylaws--Procedure. [Order 10, § 132K-104-060, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-065** Delegation of responsibility. [Order 10, § 132K-104-065, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 132K-28

POLICY ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM

- 132K-28-010** Policy. [Order 25, § 132K-28-010, filed 1/13/75; Order 7, § 132K-28-010, filed 2/18/72.] Repealed by 81-09-028 (Order 44), filed 4/13/81. Statutory Authority: RCW 28B.50.140.

Chapter 132K-104

BOARD OF TRUSTEES--BYLAWS

- 132K-104-001** Introduction. [Order 10, § 132K-104-001, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-005** Office of board. [Order 34, § 132K-104-005, filed 12/23/76; Order 24, § 132K-104-005, filed 12/10/74; Order 10, § 132K-104-005, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-010** Board meetings. [Order 34, § 132K-104-010, filed 12/23/76; Order 24, § 132K-104-010, filed 12/10/74; Order 10, § 132K-104-010, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-015** Information for board members. [Order 10, § 132K-104-015, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.
- 132K-104-020** Executive sessions. [Order 10, § 132K-104-020, filed 11/14/72.] Repealed by 80-13-065 (Order 40), filed 9/17/80. Statutory Authority: RCW 28B.50.140.

Chapter 132K-04 WAC

BOARD OF TRUSTEES--BYLAWS

WAC

- 132K-04-001** Introduction.
- 132K-04-010** Office of board.
- 132K-04-020** Board meetings.
- 132K-04-030** Board meetings--Information for board members.
- 132K-04-040** Board meetings--Executive sessions.
- 132K-04-050** Board meetings--Agenda.
- 132K-04-060** Board meetings--Records of board action.
- 132K-04-070** Board meetings--Parliamentary procedure.
- 132K-04-080** Officers of board.
- 132K-04-090** Restriction of individual authority.
- 132K-04-100** Fiscal year.
- 132K-04-110** Official seal.
- 132K-04-120** Revision of bylaws--Procedure.
- 132K-04-130** Delegation of responsibility.

WAC 132K-04-001 Introduction. The Pierce College board of trustees, under law, is charged with the responsibility of Community College District #11. The authority is vested in the board, not in its individual board members. To assist the board in carrying out its responsibilities, it employs a president of the college district and delegates to him the responsibility for administering the district under policies approved by the board.

Policies of the board of trustees are found in the records of board action and in the policies and procedures manual of which this document is a part. The bylaws which follow contain rules adopted by the board which are in force and which relate to the organization and powers of the board and its method of conducting business.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-001, filed 7/11/86; D-1, § 1500.00, filed 9/20/67.]

WAC 132K-04-010 Office of board. The board of trustees shall maintain an office at Lakewood Center, Tacoma, Washington, 98499, where all regular meetings shall be held, unless otherwise announced, and all records, minutes, and the official college seal shall be kept. This office shall be open during all normal business hours to any resident taxpayer of the state of Washington.

Correspondence or other business for the board shall be sent to the secretary of the board, who is located in this office.

[D-1, § 1510.00, filed 9/20/67.]

WAC 132K-04-020 Board meetings. The board of trustees shall hold at least one regular meeting each month and such other regular or special meetings as may be requested by the chairman of the board or by a majority of the members of the board. Regular meetings shall be held on the second Monday of each month except that the board of trustees may by resolution change the time of any meeting.

All regular meetings of the board of trustees shall be publicly announced prior to the meeting and shall be open to the general public.

No official business shall be conducted by the board of trustees except during a regular or special meeting held at a preannounced time and place.

[D-1, § 1520.00, filed 9/20/67.]

WAC 132K-04-030 Board meetings--Information for board members. Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to trustees prior to each meeting. Any matters of business or correspondence must be received by the secretary of the board by 12:00 noon three work days before the meeting in order to be included on the agenda. The chairman or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his judgment the matter is of an emergency nature.

[D-1, § 1521.00, filed 9/20/67.]

WAC 132K-04-040 Board meetings--Executive sessions. The board of trustees may convene in executive session whenever it is deemed necessary and in the interest of the college for the purpose of discussing personnel matters, confidential matters, and receiving briefing on agenda items.

No official business of the board of trustees shall be conducted in executive session.

[Title 132K WAC—p 2]

[D-1, § 1522.00, filed 9/20/67.]

WAC 132K-04-050 Board meetings--Agenda. The order of the agenda governing all regular meetings of the board of trustees of Pierce College shall be as follows:

- (1) Roll call
- (2) Establishment of quorum
- (3) Approval of minutes of the previous meeting
- (4) Recommendations for action of the board
- (5) New business
- (6) Correspondence
- (7) Reports to the board
- (8) Chairman calls for agenda items for the next meeting
- (9) Adjournment

The order of the agenda may be changed by the chairman with the consent of the board members present.

The chairman shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation to the board. The chairman shall have the right to limit the length of time used by a speaker for the discussion of a subject.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-050, filed 7/11/86; D-1, § 1523.00, filed 9/20/67.]

WAC 132K-04-060 Board meetings--Records of board action. All business transacted in official board meetings shall be recorded in minutes and filed for reference.

[D-1, § 1524.00, filed 9/20/67.]

WAC 132K-04-070 Board meetings--Parliamentary procedure. Three members of the board of trustees shall constitute a quorum, and no action shall be taken by less than a majority of the board members present at a meeting at which there is a quorum.

Normally, voting shall be *vive voce*. However, a roll call vote may be requested by any member of the board for purposes of the record.

In questions of parliamentary procedure, the actions of the board shall be conducted according to "Robert's Rules of Order" unless specified otherwise by state law or regulation of the state board.

[D-1, § 1525.00, filed 9/20/67.]

WAC 132K-04-080 Officers of board. At the first regular meeting of the board each year, the board shall elect, from its membership, a chairman and vice chairman to serve for the ensuing year. In addition, the president of the Pierce College district shall serve as secretary to the board of trustees as specified by state law. The secretary may, at his discretion, appoint his executive secretary or other appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

The chairman, in addition to any duties imposed by rules and regulations of the state board, shall preside at

each regular or special meeting of the board, sign all legal and official documents recording actions of the board, and review the agenda prepared for each meeting of the board. The chairman shall, while presiding at official meetings, have full right of discussion and vote.

The vice chairman, in addition to any duties imposed by rules and regulations of the state board shall act as chairman of the board in the absence of the chairman.

The secretary of the board shall be the president of the college district. In addition to any duties imposed by rules and regulations of the state board, he shall keep the official seal of the board, maintain all records of meetings and other official actions of the board. He shall give notice of all meetings in the manner required by the bylaws and state statutes.

The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.

The secretary, or his designate, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-080, filed 7/11/86; D-1, § 1530.00, filed 9/20/67.]

WAC 132K-04-090 Restriction of individual authority. Legal authority is vested in the board of trustees and may be exercised only by formal action of the board, taken in regular or special meetings. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

[D-1, § 1540.00, filed 9/20/67.]

WAC 132K-04-100 Fiscal year. The fiscal year of the board shall conform to the fiscal year of the state of Washington and shall be from July 1 to June 30 inclusive.

[D-1, § 1550.00, filed 9/20/67.]

WAC 132K-04-110 Official seal. The board of trustees shall maintain an official seal for use upon any or all official documents of the board. The seal shall have inscribed upon it the name of the college which shall be:

Pierce College
District No. 11
State of Washington

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-110, filed 7/11/86; D-1, § 1560.00, filed 9/20/67.]

WAC 132K-04-120 Revision of bylaws--Procedure. Bylaws of the board may be revised by majority vote of the board provided such changes are proposed at least one meeting prior to the meeting at which the vote is taken. Bylaws may be revised by unanimous vote of the board at the same meeting at which the revision is originally proposed.

[D-1, § 1570.00, filed 9/20/67.]

(1990 Ed.)

WAC 132K-04-130 Delegation of responsibility. It shall be the responsibility of the Pierce College board of trustees to establish policy and to evaluate the success of the college operation. To administer the college, the board of trustees shall employ a college district president and hold him responsible for the interpretation of board policy into administrative action and for the administration of the college in general.

Specific policies and their administrative interpretation shall be described in detail in the several sections of the official policies and procedures manual of the college district.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-130, filed 7/11/86; D-1, § 1600.00, filed 9/20/67.]

Chapter 132K-08 WAC

A CODE OF ETHICS FOR BOARDS OF TRUSTEES

WAC

132K-08-010 Code of ethics.

WAC 132K-08-010 Code of ethics. "As a member of the board of trustees of a community college district, I recognize

That the community has entrusted me with the education of post-high school adults.

That the public expects my first and greatest concern to be in the best interest of each and every student without distinction as to who they are or what their background may be.

That the future welfare of this community, of this state, and of the nation depends in the largest measure upon the quality of education and training we provide in the community college to fit the needs of every individual.

That my fellow board members and I must take the initiative in providing the people of this district with the facts about their college, to the end that they will readily support our efforts to provide the finest possible instructional program, college staff, and physical facilities.

That legally the authority of this board is derived from the state which controls the organization and operations of the college district and which determines the degree of discretionary power left with the board of trustees and the citizens of this district for the exercise of local autonomy.

That I must never neglect my personal obligation to the citizens of the district and my legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization, but that, beyond these, I have a moral and civic obligation to the nation which can remain strong and free only so long as higher education in the United States of America is kept free and strong.

In view of the foregoing considerations, it shall be my constant endeavor

To devote time, thought, and study to the duties and responsibilities of a member of a board of trustees so that I may render effective and creditable service.

To work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue.

To base my personal decision upon all available facts in each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter to abide by and uphold the final majority decision of the board.

To remember at all times that as an individual I have no legal authority outside the meetings of the board, and to conduct my relationships with the college staff, local citizens, and all media of communication on the basis of this fact.

To resist every temptation and outside pressure to use my position as a member of the board of trustees to benefit either myself or any other individual or agency apart from the total interest of the college.

To recognize that it is as important for the board to understand and evaluate the educational program of the college as it is to plan for the college business operations.

To bear in mind under all circumstances that the primary function of the board is to establish the policies by which the college is to be administered, but that the administration of the college and the conduct of college business shall be left to the employed college president and his professional and nonprofessional staff.

Finally, to strive step by step toward ideal conditions for most effective board service to the district, in a spirit of teamwork and devotion to public higher education as one of the greatest instruments for the preservation and perpetuation of our representative democracy."

[D-1, §§ 1700.00-1, 1700.00-2, filed 9/20/67.]

(Adapted from: A CODE OF ETHICS FOR SCHOOL BOARD MEMBERS, National School Boards Association, 1961.)

Chapter 132K-10 WAC STATE ENVIRONMENTAL POLICY ACT (SEPA) RULES

WAC

- 132K-10-001 Capital projects to comply with SEPA.
132K-10-005 Responsible official.

WAC 132K-10-001 Capital projects to comply with SEPA. It shall be the policy of Community College District No. 11 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.

[Order 29, § 132K-10-000 (codified as WAC 132K-10-001), filed 6/16/76.]

WAC 132K-10-005 Responsible official. In compliance with WAC 197-10-020, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

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[Order 29, § 132K-10-005, filed 6/16/76.]

Chapter 132K-12 WAC

PERSONNEL RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132K-12-210 Employee representation. [D-2 (part), filed 9/20/67.] Repealed by Order, filed 5/5/69.

WAC 132K-12-001 Introduction. Rules and regulations have been extracted from the state plan for civil service employees.

[D-2 (part), filed 9/20/67.]

WAC 132K-12-010 Hours of work. Hours of work shall be specified by job class. They may vary for different classes, but shall be uniform for all employees.

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

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

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

[Order, § 132K-12-010, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-020 Rest periods. Each employee shall be entitled to not less than a fifteen minute rest period for each four hours of work. Each eight-hour shift shall include two rest periods, even though the shift is unequally divided.

[D-2 (part), filed 9/20/67.]

WAC 132K-12-030 Holidays. The following holidays with pay in addition to other days designated under the authority of the board, shall be allowed employees working on a continuous basis or on leave with pay on the last working day preceding the holidays:

- | | |
|-----------------------|----------------------|
| New Year's Day | Labor Day |
| Lincoln's Birthday | Columbus Day |
| Washington's Birthday | General Election Day |
| Memorial Day | (when held) |
| Independence Day | Veterans' Day |
| Christmas Day | Thanksgiving Day |

Arrangements may be made to work some of these and to take off compensatory days, depending on the

calendar for a particular year and the wishes of the employees. Whenever any legal holiday falls upon a Sunday, the following Monday shall be a legal holiday; and whenever such holiday falls on a Saturday, the preceding Friday shall be a legal holiday. Whenever an employee is required to work any of the legal holidays, he shall be given a compensatory day off with pay.

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

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

[Order, § 132K-12-030, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-040 Annual leave. Classified employees shall earn annual leave at rates based on the schedule of their duties.

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

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

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

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

(3) Where less than full-time service is required, annual leave shall accrue at the appropriate fraction of the rates set forth under these rules, after completing not less than one year in such service.

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

(5) Annual leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the appointing authority. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

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

(7) Upon separation from the classified service after six months of continuous employment, annual leave pay shall be allowed to the extent of the employee's accrued

and unused leave credits as shown by the records of the director.

[Order, § 132K-12-040, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-050 Sick leave. Sick leave with full pay shall accrue to classified employees at the rate of one working day per month of completed service.

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

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

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

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that require the assistance of the employee in circumstances arising from the care of the patient or arrangements for the deceased. Leave for the purpose of condolence or bereavement may be granted only with the approval of the appointing authority.

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

(2) Maternity leave may be authorized for period of nonwork in accordance with Industrial Welfare Order No. 2-62(10), effective 3/21/62, published by the department of labor and industries of the state of Washington, which reads as follows:

"(10) **Maternity.** No female employee shall be knowingly employed for a period of four months before confinement for childbirth, or six weeks thereafter, except that upon presentation of a letter of request from the employer together with a doctor's certificate, stating her health will not be impaired by such employment to a specific time, a special permit may be granted for continued employment by the supervisor of women and minors."

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

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

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

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

(7) Upon separation of the employee from the classified service for any cause, compensation shall not be

paid for accrued sick leave credits. Employees who have been laid off will have previous sick leave credits reinstated upon their return to active service.

[Order, § 132K-12-050, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-060 Military leave of absence. (1) Military training leave with pay. An employee in the classified staff service shall be entitled to military leave of absence without loss of pay for active duty in the Washington National Guard, or in the Army, Air, Marine, or Naval Reserve Forces of the United States for purposes of attending annual field training exercises or otherwise discharging reserve obligations. Military training leave shall not exceed fifteen calendar days in any one year as provided by statute.

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

[D-2 (part), filed 9/20/67.]

WAC 132K-12-070 Leave for civil duty. Leave of absence for jury duty, to serve as a witness at trials, or to exercise other civil duties may be granted an employee. In such cases a salary adjustment shall be made to deduct any amount received for such civil duty, less expenses, from the employee's monthly salary warrant, so that there is neither a financial gain nor loss to the employee.

[D-2 (part), filed 9/20/67.]

WAC 132K-12-080 Leave of absence without pay. Leave of absence without pay may be allowed for a classified employee for specific periods for any of the reasons applicable for leave with pay and for maternity.

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

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

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

[Order, § 132K-12-080, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-090 Absence without authorized leave. Leave of absence, whether with or without pay, must be authorized in writing by the appointing authority and the director. Absence other than on duly authorized leave shall be treated as leave without pay and, in addition, may be grounds for disciplinary action.

[Order, § 132K-12-090, filed 5/5/69; D-2 (part), filed 9/20/67.]

(1990 Ed.)

WAC 132K-12-100 Probationary period--Purpose. A probationary or working test period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his position, and to reject any employee whose work performance fails to meet required work standards.

[D-2 (part), filed 9/20/67.]

WAC 132K-12-110 Probationary period--Duration. All original and all promotional appointments shall be tentative and subject to a probationary period of six months of actual service which starts upon the effective date of an appointment. Any interruption of service during the probationary period shall not be counted as a part of such period. (RCW 41.06.150)

[D-2 (part), filed 9/20/67.]

WAC 132K-12-120 Removal during probationary period. At any time during the trial period the appointing authority may remove an employee whose performance does not meet the required standards, provided that he shall report the removal and the reasons therefor in writing before the effective date of separation to the director and to the employee concerned. Notice of one day will normally be given an employee who is removed. If more than three employees are removed successively from the same position during their trial service period, the director shall immediately investigate and determine whether the removals were because the employees did not meet the required standards, and submit a report of his investigations together with his conclusions to the committee. If the employees were removed for reasons other than their performance did not meet the required standards, the board shall order their reinstatement. Dismissal during the probationary period is not, however, appealable by the employee.

[Order, § 132K-12-120, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-130 Demotion during probationary period. At any time during the probationary period when an employee is about to be laid off because of reduction in force, the appointing authority with the consent of the employee, may demote such employee in lieu of layoff if he is otherwise eligible and work is available in a lower class. The name of such an employee shall be restored to the lists from which it was removed at the time of appointment. The probationary period of an employee demoted in lieu of layoff during that period shall include the period of probation in the higher class. No demotion of this kind shall be made if it will result in the separation of any other employee with greater length of service.

An employee serving as a result of appointment from a promotional list, who is removed from the new position for reasons other than misconduct or delinquency, and who was a permanent employee in another position in the classified staff service immediately prior to his promotional appointment, shall be reinstated in his former position or in one of like status and pay.

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[Order, § 132K-12-130, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-140 Notification of end of probationary period. The appointing authority shall notify the director in writing whether the services of the employee have been satisfactory and whether the employee will be continued in his position. Upon receipt by the director of a favorable report, the appointment of the employee shall be made permanent at the expiration of the probationary period.

[Order, § 132K-12-140, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-150 Separation. Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service.

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

[Order, § 132K-12-150, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-160 Retirement. Classified employees are required to participate in a comprehensive retirement plan as a condition of employment. Provision and stipulations of the retirement plan are promulgated by the board. Separation from employment by retirement shall be in accordance with regulations adopted by the board.

[Order, § 132K-12-160, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-170 Reduction in force--Layoff--Dismissal. An appointing authority may separate an employee without prejudice because of lack of funds, reorganization, or curtailment of work. Notice of at least two calendar weeks must be given to such employee.

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

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

(3) Modification of order of layoff. Where a reduction in force on the basis of seniority can be shown to impair seriously the program of the employing unit, the appointing authority may modify the order of layoff. The

reasons for such modification must be furnished in writing to any employee affected at least twenty days in advance of the proposed reduction in force, a copy of which shall be sent to the director. The employee laid off under these circumstances may appeal to the committee under the provisions of the rules on appeals from disciplinary action.

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

(5) Dismissal. An appointing authority may dismiss for cause any permanent employee under his jurisdiction by delivering at least fifteen calendar days before the effective date thereof a written statement of the specific charges by personal delivery or by certified mail to the employee's last known address, with a copy to the director. If the appointing authority, because of the circumstance and legal cause as set forth in the written statement for the dismissal, desires to make an immediate separation from the service, he may effect a suspension without pay pending dismissal. By so notifying the director in writing, such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in the rules. The appointing authority may withdraw or modify a dismissal within fifteen calendar days after the original written notice is filed. A permanent employee so dismissed shall have the right to appeal in writing not later than thirty calendar days after the effective date of the dismissal to the committee and shall be granted a hearing as provided under the rule covering appeals from disciplinary actions of these rules.

(6) Abandonment of position. An employee who is absent from his position for three consecutive days without notice to the appointing authority may be considered to have abandoned his position. A notice of dismissal shall be sent by certified mail to the last known address of the employee forthwith.

[Order, § 132K-12-170, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-180 Disciplinary action. Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall include but not be limited to: Neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, or gross misconduct.

(1) Reprimand. The appointing authority may reprimand an employee for cause. If such reprimand is to be put in writing, it shall be addressed to the employee and a signed copy shall be sent to the director for inclusion in the employee's personnel file. A permanent employee who is reprimanded in this manner may appeal for a hearing in writing to the director within five calendar days of receipt of the reprimand. (RCW 41.06.170)

(2) Suspension. The appointing authority may suspend an employee without pay for cause for a period or

periods not exceeding fifteen calendar days for any single offense. The appointing authority shall notify the employee concerned in writing by certified mail, with a copy to the director, not later than one day after the suspension is made effective. Such notice shall include the specified charges for and the duration of the suspension. Any permanent employee who is suspended shall have the right to appeal to the committee not later than thirty calendar days after the effective date of such action.

(3) Demotion. The appointing authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the director at least fifteen calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the committee not later than thirty calendar days after the effective date of dismissal.

The appointing authority will be expected to discuss employee deficiencies with the employee prior to filing written complaint in the employee's permanent record.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-12-180, filed 7/11/86; Order, § 132K-12-180, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-190 Appeals from disciplinary actions—Who may appeal. Any permanent employee who is suspended, demoted, reduced or dismissed shall have the right to appeal to the committee not later than thirty days after the effective date of such action. The request for an appeal must be in writing, and must be filed through the director. The committee shall hear such appeals within thirty days of the receipt of such request.

[Order, § 132K-12-190, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-200 Procedures for hearing appeals. The following provisions of section 18, 19, 20, 21, and 22 of the act govern the conduct of appeal hearings by the committee as well as appellate hearings by civil courts:

Section 18. Hearings on such appeals shall be open to the public, except for cases in which the committee determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present, and cross-examine witnesses and give evidence before the committee. Members of the committee may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the committee. The board shall certify to the superior court the facts of any refusal to obey a subpoena, take the

oath, or testify. The court shall summarily hear the evidence on such refusal, and if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

Section 19. Within thirty days after the conclusion of the hearing the committee shall make and fully record in its permanent findings of facts, conclusions of law when the construction of a rule, regulation, or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions, and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

Section 20. Within thirty days after the recording of the order and mailing thereof, the employee may appeal to the superior court of Thurston County, or, in the case of an employee of an institution of higher learning, to the superior court of the county in which such institution is located, on one or more of the grounds that the order was:

- a. Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations.
- b. Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of facts.
- c. Materially affected by unlawful procedures.
- d. Based on violation of any constitutional provision.
- e. Arbitrary or capricious.

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

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

Section 21.

1. The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in the case of alleged irregularities in procedure before the committee not shown by the transcript, the court may order testimony to be given thereon. The court shall

upon request by either party hear oral argument and receive written briefs.

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

Section 22.

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

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

[Order, § 132K-12-200, filed 5/5/69; D-2 (part), filed 9/20/67.]

Reviser's note: Sections 20 and 21, chapter 1, Laws of 1961 (codified as RCW 41.06.200 and 41.06.210) as set forth above, do not reflect their amendment by section 25, chapter 36, Laws of 1969 ex. sess. and section 101, chapter 81, Laws of 1971, respectively.

WAC 132K-12-220 Grievances. Classified employees may seek settlement, if practical during working hours, of any grievance arising over differences involving working conditions or applications, by appointing authorities, of the rules set forth herein. The aggrieved employee himself shall first attempt to settle a difference with his immediate supervisor. If unsuccessful, he shall observe the following procedure in presenting his grievance and may be represented or accompanied by another person.

Unless a department head or other principal mentioned in the subsequent steps of the grievance procedure is the immediate supervisor, he may not consider an employee's complaint or grievance until the requirements of the earlier steps of the grievance procedure have been observed.

A complaint shall first be taken up by the aggrieved employee with his immediate supervisor. The supervisor shall make his decision within five working days.

If these parties fail to reach a mutually satisfactory solution of the problem, the employee may next present his case to the appropriate department head who shall make his decision on the matter within five working days.

If, at the conclusion of the second step, a satisfactory settlement has not been reached between the employee and his appointing authorities, the grievance shall be reduced to writing on forms approved by the director and submitted to him within fifteen working days.

The director shall, within fifteen working days arrange to meet with the aggrieved employee and/or his representative and with the department head in an effort to reach a satisfactory settlement of the grievance. A written record of such settlement shall be distributed to all interested parties.

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If the employee is not satisfied with the decision of the director, he may, within fifteen working days make a formal written request to the committee asking for a review of his grievance before such hearing officer or officers as the committee shall designate.

[Order, § 132K-12-220, filed 5/5/69; D-2 (part), filed 9/20/67.]

WAC 132K-12-230 Questions and inquiries. Classified employees may consult with the office of the director concerning matters of classification, compensation, conditions of employment, interpretation of these rules, or concerning other personnel matters and problems. Such questions and inquiries are not to be construed as grievances and may be made without reference to the grievance procedure above.

[D-2 (part), filed 9/20/67.]

WAC 132K-12-232 Agreement between agencies and employee organizations. State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities. The rights described herein shall not, however, extend to employees where such affiliation, participation, or representation would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

[Order, § 132K-12-232, filed 5/5/69.]

WAC 132K-12-234 Notice of intent by bargaining unit. Any labor organization desiring to represent employees must first file with the director of personnel, a notice of intent to represent. The notice shall state the organization's name and office address. The organization shall also provide the director of personnel with a copy of its constitution and bylaws.

[Order, § 132K-12-234, filed 5/5/69.]

WAC 132K-12-236 Determination of bargaining unit. Determination, alteration, modification, or combination of an appropriate bargaining unit shall be made by the personnel committee upon request from the appointing authority, an employee organization, or upon the committee's own motion, after twenty days' notice has been given to the appointing authority and to affected employees and their representatives.

[Order, § 132K-12-236, filed 5/5/69.]

WAC 132K-12-238 Bargaining factors. In determining a bargaining unit, the committee shall consider the following factors:

- (1) Duties, skills, and working conditions of the employees.
- (2) History of collective bargaining by the employees and their representatives.
- (3) Extent of organization among the employees.
- (4) Desire of the employees.

[Order, § 132K-12-238, filed 5/5/69.]

ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE

WAC 132K-12-240 Certification of director--Notice of petition. The director may certify an employee organization as exclusive representation of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten days' notice that an employee representation has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with these rules and that the petition may be contested. In the event that proof is not satisfactory to the director, he may require an election to be held.

[Order, § 132K-12-240, filed 5/5/69.]

WAC 132K-12-242 Election and bargaining rights. Any organization desiring exclusive recognition shall request in writing of the director that an election be held to determine whether the majority of such employees in an appropriate unit desire to designate it as their representative for the purpose of this rule. Upon the receipt of such a request, the director shall request an independent and neutral person or association to determine whether thirty percent or more of the employees of the unit have indicated their desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such a determination on the basis of records of dues-paying memberships, signed authorizations to represent, or other reliable evidence.

If the independent and neutral person or association determines that thirty percent or more of the employees of the appropriate unit desire to be represented by that organization for such purposes, the director will publish a notice that an election will be held to determine whether the employees of the unit desire the requesting organization or any other organization to represent them for the purposes of collective bargaining.

Any other organization of employees showing proof of at least ten percent of the employees within the unit desiring to designate the organization as their representative shall, within seven days after the publication of such a notice by the director, file with the director a request in writing that its name be included on the ballot in the election to be held. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within seven days after the publication of the notice that an election will be held.

The notice published by the director pursuant to these rules shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules.

In any election conducted pursuant to these rules, lists of certified employees eligible to vote shall be prepared by the institution listing employees by voting places. Such lists shall be posted in places where notices to employees are customarily posted at least twenty-four hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of an employee to vote in an election.

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

The ballots used in any election held pursuant to this part shall be in the following form:

To select for representation purposes for collective bargaining, a majority organization to represent

(description of appropriate unit)
of -----
(the institution)

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

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

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

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

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

Each voter shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked ballot box provided at the designated voting place.

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

At the time for closing the polls, all employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer the following: (1) Signed voting list of eligible certificated employees, (2) all unused ballots, (3) all challenged ballots, and (4) the sealed ballot box containing all ballots cast.

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

When ballot boxes from all voting places have been received by the chief election officer's inspector, he shall open them and thoroughly mix all ballots cast so that it is impossible to identify the polling place from which any particular ballot came. The ballots cast shall be separated into the categories as they have been cast for organizations participating in the election, for no organization, and void ballots which are unintelligible or for an organization not participating in the election. The ballots in these categories shall be counted by the chief election officer with the assistance of such of his election inspectors as shall be necessary in the presence of the inspectors for the organizations participating in the election. After the ballots have been so counted the inspector designated by the organizations to serve at the counting of the ballots shall indicate by his signature upon the tally sheet that he agrees with the count made, or in case of disagreement, he shall write a short statement of his grounds for disagreement with the count. The chief election officer shall certify to the director the results of the election within 48 hours after the polls have been closed. The used ballots, the unused ballots, the challenged ballots, and the signed voting lists of eligible certificated employees shall be kept by the chief election

officer or some person designated by him for one year after the election.

No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

Any organization which appears on the ballot, or any employee, may within five days after the certification of the results of the election under the provisions of this part, file objections to the conduct of the election with the chief election officer pursuant to this rule. The election officer shall investigate such objections and if necessary hold formal hearings thereon and report such findings to the director. If the director shall conclude that the conduct objected to may have improperly affected the results of the election he shall order a new election. Otherwise he shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

An organization of employees which receives a majority of the valid votes cast in an election held in accordance with these rules shall be recognized as the exclusive representative of the employees of that bargaining unit. If more than one organization of employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot.

Another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

Alternate recognition procedure. As an alternate procedure to the voting described previously, the director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such an organization shows proof that it represents a majority of such employees and such proof is not contested by the institution, or any other interested party. Prior to certification the director shall give ten days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with these rules and that the petition may be contested by appropriate request or objection in writing filed with the director of personnel within ten days.

Representation upon certification. When an employee organization has been certified as the exclusive representative of the employees of a bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the appointing

authority and may be adjusted by the appointing authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the appointing authority.

Decertification. Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a majority of the votes cast in a secret vote of the employees of the bargaining unit, provided twelve months have elapsed since the last certification. The election shall be conducted in accordance with these rules. No question concerning representation may be raised within six months of an election in a bargaining unit.

[Statutory Authority: RCW 28B.50.140, 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-12-242, filed 7/11/86; Order, § 132K-12-242, filed 5/5/69.]

CONTENTS OF WRITTEN AGREEMENTS

WAC 132K-12-244 Personnel matters. Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

[Order, § 132K-12-244, filed 5/5/69.]

WAC 132K-12-246 Grievance procedure. Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and may provide for binding arbitration by the board.

[Order, § 132K-12-246, filed 5/5/69.]

WAC 132K-12-248 Payroll deduction. Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member. An employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty days prior to the effective date of such cancellation.

[Order, § 132K-12-248, filed 5/5/69.]

WAC 132K-12-250 One-year duration. Written agreements shall be for no more than one year in duration. Automatic renewal or extension provisions shall not be valid.

[Order, § 132K-12-250, filed 5/5/69.]

WAC 132K-12-252 Filing--Conflict with Civil Service Act. Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the civil service rules or the state civil service law.

[Order, § 132K-12-252, filed 5/5/69.]

(1990 Ed.)

WAC 132K-12-254 Conference on disputes. If agreement cannot be reached within a reasonable time in negotiations between the appointing authority and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director, who shall confer with both parties in an effort to resolve such dispute.

[Order, § 132K-12-254, filed 5/5/69.]

WAC 132K-12-256 Hearing on disputes. If the director is unable to resolve the dispute, the appointing authority or the certified exclusive representative may submit such dispute to the committee. The committee shall hold a hearing in the same manner as provided for appeals from demotions, suspensions and dismissals, and the decision of the committee shall be final and binding.

[Order, § 132K-12-256, filed 5/5/69.]

SERVICE RATINGS

WAC 132K-12-258 Service ratings. The director may in cooperation with the appointing authority, provide for the rating of the service performance of employees in the classified staff service. Such service ratings shall be made in such manner and upon such forms as the director may prescribe and may be used as a means of evaluating the employee's performance.

[Order, § 132K-12-258, filed 5/5/69.]

PROHIBITIONS AND PENALTIES

WAC 132K-12-268 Political activity. Solicitation for or payment to any partisan, political organization, or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

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

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

[Order, § 132K-12-268, filed 5/5/69.]

WAC 132K-12-270 Outside employment. No employee in the classified staff service shall undertake employment other than his position in the classified staff service if such employment brings discredit to the institution or has an adverse effect upon the employee's performance of his duty.

[Title 132K WAC—p 13]

[Order, § 132K-12-270, filed 5/5/69.]

WAC 132K-12-272 Employment of more than one member of a family. The appointment of more than one member of a family as a permanent employee in the classified staff service requires special justification in terms of personnel requirements and the unusual qualifications of the individual. Such appointment must have the prior approval of the director and is subject to periodic review. Two persons who are related by blood ties or by marriage may not be appointed to positions where one might exert any influence or produce any consequence upon the employment of the other. In general, people who are so related may not be employed in the same organizational unit.

[Order, § 132K-12-272, filed 5/5/69.]

WAC 132K-12-274 False statements—Fraud. No persons shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of the act or these rules, or in any manner commit any fraud preventing the impartial execution of the act and these rules.

[Order, § 132K-12-274, filed 5/5/69.]

WAC 132K-12-276 Bribery. No person seeking appointment to or promotion in the classified staff service shall give, render, or pay any money, service, or any other valuable things to any person in connection with his test, appointment, or promotion.

[Order, § 132K-12-276, filed 5/5/69.]

WAC 132K-12-278 Interference by officials. No employee of the office of the director, examiner, or other person shall defeat, deceive, or obstruct any person in his right to his examination, eligibility, certification, or appointment under the act and these rules or furnish to any person any special or privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

[Order, § 132K-12-278, filed 5/5/69.]

WAC 132K-12-280 Penalties. Any person who willfully violates any of the provisions of the act or these rules shall be subject to dismissal and such other punishment as may be provided by law.

[Order, § 132K-12-280, filed 5/5/69.]

WAC 132K-12-282 Discrimination. No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations of any applicant, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any employee or appointing authority against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations or of

his race. No discrimination shall be exercised because of the age or sex of any applicant, eligible, or employee.

[Order, § 132K-12-282, filed 5/5/69.]

RECORDS AND REPORTS

WAC 132K-12-284 Personnel records. The office of the director shall be the central depository of all such personnel files and records as the director deems necessary and as are required by the act and these rules.

[Order, § 132K-12-284, filed 5/5/69.]

WAC 132K-12-286 Roster. The director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class title, the organizational unit assignment, salary, and employment data as he deems pertinent.

[Order, § 132K-12-286, filed 5/5/69.]

WAC 132K-12-288 Reports to the personnel director. Every appointment, transfer, termination, promotion, demotion, dismissal, leave of absence, change of salary rate, and other temporary or permanent change in the status of employees in the classified staff service, shall be reported to the office of the director in writing. The director is authorized to prescribe the time, manner, form, and method of making any written report that may be stipulated in any of these rules.

[Order, § 132K-12-288, filed 5/5/69.]

WAC 132K-12-290 Public records. Records of the office of the director, such as examination, personal history and other papers, disclosure of which could render harm to the employee without serving a necessary and useful purpose, shall be considered confidential. The use of such documents will be specified by the director. Such records of the office as may be defined by law as public records shall be open to inspection by legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with which procedures as the director may provide.

[Order, § 132K-12-290, filed 5/5/69.]

RECRUITMENT AND EXAMINATION

WAC 132K-12-300 Selection by examination. Appointments to positions in the classified staff service shall be made according to merit and suitability. Merit and suitability in the competitive service shall be ascertained by examination which shall be selected or specified by the director, and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position.

[Order, § 132K-12-300, filed 5/5/69.]

Announcement of examinations

WAC 132K-12-310 Content of announcements. Announcements shall specify the title and salary range of

the class for which the examination is announced; the nature of the work to be performed; the experience and training required; the time, place, and manner of making application; the necessary qualifications established for admission to the examination; and other pertinent information consistent with the act and these rules.

[Order, § 132K-12-310, filed 5/5/69.]

WAC 132K-12-320 Distribution of announcements. Public notice of examinations shall be given at least one calendar week in advance of the last date for filing of applications by means of announcements posted on bulletin boards. Announcements of examinations shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants.

[Order, § 132K-12-320, filed 5/5/69.]

Eligibility to compete in examinations

WAC 132K-12-330 Open competitive examinations. Examinations designed to establish employment lists shall be open to all who appear to meet the qualifications and other requirements for the class as set forth in the examination announcement. Probationary employees may be admitted to open competitive examinations.

[Order, § 132K-12-330, filed 5/5/69.]

WAC 132K-12-340 Promotional examinations. Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications.

[Order, § 132K-12-340, filed 5/5/69.]

Applications

WAC 132K-12-350 Forms of application. Applications for an examination shall be filed on such application forms as may be prescribed by the director. To be accepted for review, applications must be delivered to the office of the director prior to the closing date specified in the announcement or postmarked before midnight of that date. Applications shall include a statement from the applicant with all pertinent information regarding his education, experience, and other personal data which the director deems necessary. Applications must be signed by the applicants, and the truth of all statements contained therein certified by such signature. The director may require such proof of age, residence, education, veteran's preference and other claims as he deems appropriate.

[Order, § 132K-12-350, filed 5/5/69.]

WAC 132K-12-360 Freedom from bias. No question in any application form or any examination shall be so framed as to elicit any information concerning political or religious opinions or affiliations or the race of any applicant, nor shall any inquiry be made concerning such opinions or affiliations. The foregoing shall not

prevent any inquiry as to whether the applicant, employee, or eligible, advocates or is a member of any organization which advocates the overthrow of or resistance by force to our form of government where the conditions of the employment in question require such inquiry.

[Order, § 132K-12-360, filed 5/5/69.]

WAC 132K-12-370 Admission to examination. Persons who submit applications on or before the last date of filing and whose applications clearly show that they meet the requirements for admission to the examination shall be admitted to compete in the examination for which they are applying. No person shall be permitted to take an examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application. Any applicant who, for illness or other good cause, is unable to appear as notified may be given the examination at a later date, but only if the candidate advised the director of his inability prior to the time he was originally scheduled to appear.

[Order, § 132K-12-370, filed 5/5/69.]

WAC 132K-12-380 Disqualification of applicants. The director may reject the application of any person for admission to an examination, or decline the applicant who: (1) Is found to lack the qualifications prescribed for admission to the examination; (2) is physically unfit to perform effectively the duties of the class; (3) is addicted to the habitual use of alcoholic beverages and to excess, or to the use of narcotics; (4) has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct, or who has been dismissed from a position for delinquency or misconduct; (5) has used or attempted to use influence or bribery to secure an advantage in an examination or appointment; (6) has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination; or (7) has otherwise violated provisions of the law or these rules. Whenever the director refuses an applicant under the provisions of these rules, he shall furnish him a statement of the reasons therefor.

[Order, § 132K-12-380, filed 5/5/69.]

Character of examinations

WAC 132K-12-390 Original examinations. Examinations for original appointment to the classified service shall relate to those matters which fairly test the capacity and suitability of the persons examined to discharge duties of positions sought. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, evaluations of training and experience, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, skills, abilities, character, physical fitness, or any other qualifications or attributes which in the judgment of the director shall enter into the determination of the relative fitness of applicants.

[Order, § 132K-12-390, filed 5/5/69.]

WAC 132K-12-400 Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration quality and nature of experience as well as length of service.

[Order, § 132K-12-400, filed 5/5/69.]

WAC 132K-12-410 Noncompetitive examinations. The director may conduct for the noncompetitive service an examination which consists only of the determination of whether or not the applicant meets the minimum qualifications for the position for use in positions declared to be in the noncompetitive service. An unranked eligible list will be established from such examinations.

[Order, § 132K-12-410, filed 5/5/69.]

WAC 132K-12-420 Open-continuous examinations. When it is necessary to meet continued requirements for filling positions and there is not available a sufficient number of qualified applicants for a class, the closing date for an examination may be indefinite and applicants may be tested continuously as they appear in such manner and at such times and places as the director may provide. The closing date for any open-continuous examination may be set at any time by the director but notice of this action shall be posted in a public place at least one week prior to the effective date of closing.

[Order, § 132K-12-420, filed 5/5/69.]

Examination administration

WAC 132K-12-430 Conduct of examinations. Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration, and needs of the service. The examination shall be conducted either by the director or by persons designated by him.

[Order, § 132K-12-430, filed 5/5/69.]

WAC 132K-12-440 Anonymity of applicants. All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of examinations.

[Order, § 132K-12-440, filed 5/5/69.]

ELIGIBLE LISTS

WAC 132K-12-450 Merit lists. On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings, names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

[Title 132K WAC—p 16]

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

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

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

[Order, § 132K-12-450, filed 5/5/69.]

WAC 132K-12-460 Layoff lists. Names shall be placed on the following lists in order of the length of the employees' previous service in the class for which the list is established.

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

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

[Order, § 132K-12-460, filed 5/5/69.]

WAC 132K-12-470 Unranked lists. Names shall be placed unranked on the following lists:

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

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

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

[Order, § 132K-12-470, filed 5/5/69.]

WAC 132K-12-480 Duration of eligible lists. The committee shall determine the period during which promotional or open-competitive lists shall remain in effect. When an eligible list exists for any class, and the committee deems it necessary to establish another such list

for the same class, the existing list ordinarily shall be cancelled. If the committee finds it necessary to cancel a promotional list, notice will be given to the eligibles on the list cancelled.

[Order, § 132K-12-480, filed 5/5/69.]

WAC 132K-12-490 Removal of names from eligible lists. The director may remove names from eligible lists permanently or temporarily for any of the following reasons subject to appeal rights as provided in sections -300 - -440 [WAC 132K-12-300 - 132K-12-440] of these rules:

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

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

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

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

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

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

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

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

[Order, § 132K-12-490, filed 5/5/69.]

WAC 132K-12-500 Comparable lists. If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose the director shall select lists from classes for which the examination and qualifications are similar to those required for the class in which the vacancy exists.

[Order, § 132K-12-500, filed 5/5/69.]

WAC 132K-12-510 Availability of eligibles. It shall be the responsibility of eligibles to notify the office of the director in writing of any change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles.

Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from all certifications which do not meet the conditions he has

specified. An eligible may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which he will be available for employment.

[Order, § 132K-12-510, filed 5/5/69.]

CERTIFICATION AND APPOINTMENT

WAC 132K-12-520 Request for employees. When a vacancy in the classified staff service is to be filled, the appointing authority shall submit a requisition to the director on such form and in such manner as the director may prescribe. This requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable or necessary special or outstanding qualifications for the position under consideration may be indicated and the reasons therefor. Eligibles shall be certified in strict order of standing on the appropriate list except in the cases where the director has determined that he should certify eligibles with special qualifications. In the latter case, eligibles meeting the special qualifications shall be certified in the order of their standing on the list. Any permanent employee who is adversely affected by such certification may appeal the action to the committee.

[Order, § 132K-12-520, filed 5/5/69.]

WAC 132K-12-530 Method of certification. Upon receipt of a personnel requisition, the director shall certify in writing two more names than there are vacancies to be filled. The following eligible lists shall be used by the director in the order of priority indicated below:

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

[Order, § 132K-12-530, filed 5/5/69.]

WAC 132K-12-540 Ranked lists. Where ranked lists are used, the director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies. If there are not sufficient names on any single list to provide the proper number for certification, additional names may be certified from the list of next lower priority.

[Order, § 132K-12-540, filed 5/5/69.]

WAC 132K-12-550 Related lists. The director may at his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class when no appropriate list exists where he determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made.

[Order, § 132K-12-550, filed 5/5/69.]

WAC 132K-12-560 Selection. The appointing authority shall return the list of names certified indicating his action on the certification, within a time limit set by the director from the date of certification.

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

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

[Order, § 132K-12-560, filed 5/5/69.]

Appointments

WAC 132K-12-570 Probationary appointments. Probationary appointments shall be made only after certification from eligible lists. The director shall be notified of the selection made as provided in section -560 [WAC 132K-12-560] of these rules.

[Order, § 132K-12-570, filed 5/5/69.]

WAC 132K-12-580 Provisional appointments. When an appointing authority certifies to the director that there is urgent need to fill a position and no qualified eligibles exist, the director may authorize him to fill the position by provisionally appointing any person who meets the minimum requirements for the class of work. Such an appointment shall be terminated within six months or upon certification and appointment from an eligible list, whichever occurs first. No person shall receive more than one provisional appointment. No seniority shall be gained as the result of a provisional appointment except for continuance of seniority in a lower class upon provisional promotion to a higher class. During the time a position is filled by a provisional appointment, the director shall conduct a wide and continuous search for applicants for the position and conduct examinations for the same. If no other person applies within six months, the provisional appointee may be examined and appointed.

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

[Order, § 132K-12-580, filed 5/5/69.]

WAC 132K-12-590 Transfer. A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same maximum salary. Interdepartmental transfers must be approved by the appointing authority accepting the transfer, and the director.

[Order, § 132K-12-590, filed 5/5/69.]

[Title 132K WAC—p 18]

WAC 132K-12-600 Demotion. A position may be filled by the demotion of an employee in accordance with the procedures as set forth in these rules.

[Order, § 132K-12-600, filed 5/5/69.]

PURPOSE, ADOPTION, AND AMENDMENT OF RULES

WAC 132K-12-610 Purpose. It is the purpose of these rules to give effect to the state civil service law, chapter 41.06 RCW, of the state of Washington. It is the further purpose of these rules to provide basic statements of personnel policy and procedures which shall be applied equitably to all employees in the classified staff service. They are intended to provide a modern workable system of personnel administration based on merit principles. They are published to inform employees, supervisors and administrators of their rights and responsibilities under these rules, and to define the basis on which the office of the director shall conduct a comprehensive system of personnel management.

[Order, § 132K-12-610, filed 5/5/69.]

WAC 132K-12-620 Positions covered by the rules. The rules shall apply to all positions in the classified staff service as defined in the act and such temporary employees included by the personnel committee.

[Order, § 132K-12-620, filed 5/5/69.]

WAC 132K-12-630 Adoption of rules. Upon adoption by the personnel committee of the board of trustees of Community College District No. 11, these rules shall be in full force and effect.

[Order, § 132K-12-630, filed 5/5/69.]

WAC 132K-12-640 Amendment of rules. These rules may be amended by action of the personnel committee as provided in the act. It is recognized that the background and experience of each of the state institutions of higher learning in the administration of the act will be of valuable assistance to the personnel committee of other such institutions. The desirability of uniformity in the rules of the personnel committees of the several institutions of higher learning, where practicable, is likewise recognized.

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

[Order, § 132K-12-640, filed 5/5/69.]

DEFINITION OF TERMS

WAC 132K-12-650 Definitions. The following terms wherever used in these rules shall have the meaning indicated below except where the context clearly indicates otherwise:

(1) "ACT." The state civil service law, chapter 1, Laws of 1961 (chapter 41.06 RCW) of the state of Washington and amendments thereto.

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

(3) "APPOINTING AUTHORITY." The governing body of the institution of higher learning, i.e., board of trustees.

(4) "BOARD." The board of trustees of Community College District No. 11

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

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

(7) "COMMITTEE." The personnel committee of the board of trustees of Community College District No. 11.

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

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

(10) "DIRECTOR." The director of classified personnel. (ref. Act, Sec. 5).

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

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

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

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

(15) "EXEMPT POSITION." A position excluded from coverage by the provisions of the act (ref. Sec. 7).

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

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

(18) "ORGANIZATIONAL UNIT." An administrative division of the institution established for the purposes of personnel administration.

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

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

(21) "PROBATIONARY PERIOD." A six months' working test period, to be considered an integral part of the examination process during which a new appointee is required to demonstrate his suitability for the position by actual performance of its duties.

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

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

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

(25) "STUDENT EMPLOYEE." An employee who is enrolled for more credit hours of academic work than that permitted in staff employment.

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

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

[Order, § 132K-12-650, filed 5/5/69.]

ORGANIZATION FOR PERSONNEL MANAGEMENT

The personnel committee

WAC 132K-12-660 Organization. The board shall designate three of its members as a permanent personnel committee. The term of service shall continue through the member's term of service as trustee.

[Order, § 132K-12-660, filed 5/5/69.]

WAC 132K-12-670 Compensation. Each member of the committee shall be compensated for his services and necessary expenses in accordance with the act.

[Order, § 132K-12-670, filed 5/5/69.]

WAC 132K-12-680 Election of officers. The committee shall elect a chairman and vice chairman, from among its members, to serve one year. The presence of at least two members of the committee shall constitute a quorum to transact business. A written public record shall be kept by the committee of all its actions. The director shall serve as secretary.

[Order, § 132K-12-680, filed 5/5/69.]

WAC 132K-12-690 Meetings. Meetings, including hearings, shall be held at the call of the chairman, or any two members. All members shall be provided reasonable advance notice of the time and place of the

meetings. Statements of findings and release of material shall be made only with the approval of a majority of the committee. A member of the committee or the secretary may administer oaths.

[Order, § 132K-12-690, filed 5/5/69.]

WAC 132K-12-700 Powers and duties. The committee shall have such powers, duties, and responsibilities as are required by the act requested by the board or otherwise required.

[Order, § 132K-12-700, filed 5/5/69.]

DIRECTOR OF CLASSIFIED STAFF PERSONNEL

WAC 132K-12-710 Appointment. Upon the recommendation of the president, the board shall designate a qualified full-time, nonacademic employee who shall act as director of personnel for the classified staff service (ref. Act, Sec. 5).

[Order, § 132K-12-710, filed 5/5/69.]

WAC 132K-12-720 Powers and duties. The director shall direct and supervise all of the administrative and technical personnel activities for the classified staff service in accordance with the act and rules and regulations approved and promulgated thereunder.

[Order, § 132K-12-720, filed 5/5/69.]

WAC 132K-12-725 The appointing authority. The appointing authority, the board of trustees, delegate to employing officials the authority to initiate personnel actions including appointment, discipline, and termination of employees within the scope of these rules.

[Order, § 132K-12-725, filed 5/5/69.]

CLASSIFICATION PLAN

WAC 132K-12-730 Content. The personnel committee shall maintain a *classification plan* for all positions in the classified service. The plan shall consist of specifications for each class, including a title, description of the duties and responsibilities, and the qualifications required and/or desired of an incumbent.

[Order, § 132K-12-730, filed 5/5/69.]

WAC 132K-12-740 Allocation. Each position in the classified service shall be allocated to an established class in the *classification plan*. An appointment may be made only to a position that has been classified.

(1) **New allocation.** Whenever an appointing authority desires to fill a new position, a notice of such proposed action together with a description of the duties of the position shall be submitted to the director. The director shall allocate such position and notify the appointing authority of the allocation.

(2) **Reallocation.** Whenever an appointing authority makes a permanent and substantial change in the duties or responsibilities of a position, written notice of the

changes shall be submitted to the director for determination of the proper allocation of the position. The director shall notify the appointing authority of such allocation. The director, upon his own initiative or at the request of an appointing authority or an employee or an employee's representative, may study the duties of any position to determine if its allocation is proper. Following such studies, the director may reallocate the position to the appropriate class.

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

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

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

(b) The appeal shall be sent to the director who shall decide the appeal. Should the employee or the appointing authority appeal the decision of the director, the appeal shall be finally decided by the committee.

[Order, § 132K-12-740, filed 5/5/69.]

Class specifications

WAC 132K-12-750 Interpretation of specifications. The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of any appointing authority to assign, direct, and control the work of the employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

[Order, § 132K-12-750, filed 5/5/69.]

WAC 132K-12-760 Use in allocation. In determining the class to which any position should be allocated, the specifications describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, education and experience requirements, and relationships to other classes, as a composite description of the kind of employment that the class is intended to embrace.

[Order, § 132K-12-760, filed 5/5/69.]

WAC 132K-12-770 Use in examination. The class specifications shall be used as a basis for determining the suitability of candidates for employment by supplying data basic to the preparation of qualifying tests and examination.

[Order, § 132K-12-770, filed 5/5/69.]

WAC 132K-12-780 Statements of general qualifications. Qualifications commonly required of all incumbents of positions of different classes, such as acceptable physical condition and freedom from disabling defects, honesty, sobriety and industry, shall be deemed to be implied as entrance requirements to each class, and need not be specifically mentioned in the specifications. However, nothing in these rules shall be deemed to prohibit the handicapped who are otherwise qualified.

[Order, § 132K-12-780, filed 5/5/69.]

WAC 132K-12-790 Authority. The specifications for any class as interpreted herein shall constitute the basis and source of authority for the tests to be included of the qualifications of applicants.

[Order, § 132K-12-790, filed 5/5/69.]

WAC 132K-12-800 Use of class titles. The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payroll, budget, and other official records and reports relating to the position. Any abbreviation or code symbols approved by the director may be used in lieu of the class title to designate the class of a position for official records. Other working titles may be authorized by the appointing authority to be used as a designation of a position for purposes of internal administration or in oral or written contacts with the public students.

[Order, § 132K-12-800, filed 5/5/69.]

COMPENSATION PLAN

WAC 132K-12-810 General policies. A *compensation plan* for classified positions shall be maintained to provide for equitable pay for classified employees. Pay rates shall be linked directly to the *classification plan* and shall reflect not less than prevailing rates in Washington state private industries and other governmental units for positions of a similar nature.

[Order, § 132K-12-810, filed 5/5/69.]

WAC 132K-12-820 Content. A *compensation plan* for the classified staff service shall consist of schedules of rates or ranges with regular increment increase in monthly amounts showing the assignment of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies.

[Order, § 132K-12-820, filed 5/5/69.]

WAC 132K-12-830 Amendment. The *compensation plan* may be amended by action of the committee as

provided in the act. It is the responsibility of the director to maintain a continuing review of the adequacy and equity of the *compensation plan*, and he shall propose amendments that are required to adjust it. He shall periodically secure comparative wage information with one such inquiry to be conducted a year prior to the convening of each regular session of the state legislature.

[Order, § 132K-12-830, filed 5/5/69.]

WAC 132K-12-840 Payroll certification. Salary payment to classified employees may not be approved until the director has certified that their appointment has been made in accordance with the act.

[Order, § 132K-12-840, filed 5/5/69.]

Chapter 132K-16 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

132K-16-010	Introduction.
132K-16-020	Policy and regulations regarding student conduct.
132K-16-030	Discipline.
132K-16-040	Rights and responsibilities.
132K-16-050	Definitions.
132K-16-060	Procedures.
132K-16-070	Guidelines and safeguards.

WAC 132K-16-010 Introduction. Broadly stated, the purpose of Pierce College, District No. 11, is to provide opportunities for all who desire to pursue educational goals. To implement this objective, it is necessary to insure that an environment is created wherein all students may progress in accordance with their capabilities and intensity of interest. The responsibility to create and maintain such an environment is shared by all members of the college; students, faculty and administration.

It is the intent that rights and responsibilities specified herein shall apply on any campus, site, or location and to any student enrolled in any program, course or class under jurisdiction of Community College District No. 11 and that where feasible the same or similar procedures be followed.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-010, filed 7/11/86; Order 4, § 132K-16-010, filed 1/13/71.]

WAC 132K-16-020 Policy and regulations regarding student conduct. (1) Students will conduct themselves as responsible members of the academic community; will obey all federal, state, county, and municipal laws and will comply with the established rules, regulations and procedures of the college, promulgated by the board of trustees.

(2) On campus or at any college sponsored activity, it is expected that students will not engage in such activities as cheating, plagiarism, theft, assault, destruction of property, forgery or alteration of records; acts relating to the illegal use of alcoholic beverages, drugs, and other illegal substances of that nature; and acts that endanger the health, safety, or welfare of other persons.

(3) Further, students will not behave in such a manner as to interfere with the conduct of college activities or to disrupt the normal procedures of the college and will respect the rights, privileges and property of members of the college community.

[Order 4, § 132K-16-020, filed 1/13/71.]

WAC 132K-16-030 Discipline. (1) Students will accept responsibility for their own conduct. Sanctions for violations of college regulations or conduct which interferes with college affairs will be imposed by the college. Sanctions, up to and including dismissal from the college, may be imposed for failure to comply with the policies and regulations as outlined in this document. These sanctions will define whether, and under what conditions, the violator may continue as a student in the college.

(2) The college may impose sanctions independently of any action taken by civil authorities. The college may not impose sanctions in response to action taken by civil authorities on matters not involving the college. In keeping with the educational purpose of the college, disciplinary actions are intended to be remedial rather than punitive.

[Order 4, § 132K-16-030, filed 1/13/71.]

WAC 132K-16-040 Rights and responsibilities. (1) ***Freedom of speech**

(a) As an institution of higher learning devoted to the search for truth in a democratic society, Pierce College is dedicated to the maintenance and expression of a spirit of free inquiry. For its students, accordingly, it promotes the development of an atmosphere of open exchange and of conditions conducive to critical evaluation of divergent points of view.

(b) All students shall have the right to address members of the student body in such a fashion that does not materially and substantially disrupt the operation of the college.

(c) It is expected that off-campus speakers will contribute to the exploration of new ideas and become an integral part of the educative process at Pierce College. Therefore, any student, faculty member or administrator may invite a speaker to be heard on the campus of the college, subject to the restraints imposed by federal, state, and/or municipal constitutions and statutes, as well as the rules and regulations of the college, provided the following circumstances exist:

(i) The person or group inviting the speaker has submitted the request form to the director of student activities at least one week before the date of the scheduled meeting, for permission to use college facilities.

(ii) Suitable facilities are available.

(iii) That an opportunity is provided at the end of the speaker's presentation for discussion of, and, if desired, opposition to the views of the speaker.

(d) Requests by persons to speak on the campus shall be made to the director of student activities and shall be subject to the above regulations.

(e) Questions concerning any speaker's application shall be referred to a standing committee consisting of

two students, two faculty members, and two administrators appointed by the respective groups.

This committee shall be continually empowered to deliberate and determine any action deemed necessary to preserve –

(i) The right of the audience to hear speakers,

(ii) The freedom of the speaker to express whatever view he holds,

(iii) The right of the institution and community to offer meaningful discussion and/or rebuttal.

(f) The director of student activities will serve as the spokesman for the committee and the college in relationships with speakers and their representatives.

(g) It is understood that the trustees, administration, faculty, and students do not necessarily endorse views of speakers.

*This policy does not apply to those speakers who are brought on campus as part of the in-class instructional program, even if open to the public.

(2) **Right of assembly**

(a) Pierce College will preserve the rights of its students who wish to assemble but will not permit this assembly to materially and substantially disrupt an operation of the college.

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

(3) **Distribution of material on campus**

(a) Distribution on campus of printed material for purely commercial purposes, or material which is inconsistent with the preservation of the educational environment is prohibited.

(b) The director of student activities shall have responsibility for this determination.

(c) Any question about decisions of the director shall be referred to a standing committee composed of two students, two faculty members and two administrators, who shall make final disposition of the matter.

(d) Distribution on campus of printed material by students or student groups shall always be permitted, subject to the following:

(i) Materials for posting shall be stamped in the office of the director of student activities to indicate how long they are to be displayed.

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

(iii) Distribution of material shall be in such a manner as not to materially or substantially disrupt the operation of the college.

(iv) Materials for posting shall be posted in those areas designated for that purpose.

(v) The distributing agency, group or individual is responsible for the condition, removal or resultant litter of distributed materials.

(e) Distribution of material on campus by noncollege related people is prohibited.

(f) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of Community College District No. 11.

(4) Use of alcohol and drugs

(a) The possession, use, sale, or distribution of any intoxicant or illegal drug on the college campus is prohibited.

(b) The use of illegal drugs by any Pierce College student attending a college sponsored event is also prohibited, even though the event does not take place at the college.

(c) The use of alcohol by students attending such events shall conform to state law.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-040, filed 7/11/86; Order 4, § 132K-16-040, filed 1/13/71.]

WAC 132K-16-050 Definitions. The following disciplinary terms as used in this chapter 132K-16 WAC have been defined to provide for consistency in the application of penalties when sanctions are imposed.

(1) **Disciplinary warning:** Notice to a student, either verbally or in writing, that he has been in violation of college rules or regulations or has otherwise failed to satisfy the college's expectations regarding conduct as outlined in WAC 132K-16-020. Such warnings imply that continuation of repetition of the specific conduct will result in one of the more serious disciplinary actions described below.

(2) **Reprimand:** Formal action censuring a student for violation of college rules or regulations (as contained in this document) or for failure to satisfy the college's expectations regarding conduct as outlined in WAC 132K-16-020. Reprimands are always made in writing to the student by the dean of students. A reprimand represents to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(3) **Disciplinary probation:** Formal action placing conditions upon the student's continued attendance due to his violation of college rules or regulations (as contained in this document) or failure to satisfy the college's expectations regarding conduct as outlined in WAC 132K-16-020. The office of the dean of students will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) **Dismissal:** Termination of student status may be invoked for violation of college rules or regulations (as contained in this document) or for failure to satisfy the college's expectations regarding conduct as outlined in WAC 132K-16-020. Students may be dismissed only with the approval of the president of the college. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in

writing, the terms of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter shall be refunded.

Any official verbal communication between the dean of students and a student charged in a disciplinary matter must be conducted personally between those two individuals. Any written communication from the dean of students to a student charged in a disciplinary matter must be delivered to that student personally or by certified mail.

[Order 4, § 132K-16-050, filed 1/13/71.]

WAC 132K-16-060 Procedures. Disciplinary authority of the office of the dean of students

(1) All disciplinary proceedings will be initiated by the office of the dean of students. Disciplinary proceedings will be conducted informally between the student and the dean of students. The dean may also establish advisory panels to advise or act for him in disciplinary matters.

(2) In all cases the student shall be advised of his rights by reference to the Pierce College student rights and responsibilities, specifically WAC 132K-16-070.

(3) In order that the informality of procedure in these instances not mislead a student as to the seriousness of the matter under consideration, the student involved should be apprised at the initial conference of the potential seriousness of the charges being considered. If further consideration reveals that more severe disciplinary action may be appropriate, the student shall be so advised in writing.

(4) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

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

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

(c) Impose sanctions directly (warning, reprimand, disciplinary probation, dismissal) subject to the student's right of appeal described below. The student shall be notified of the action taken; this notice must be in writing when sanctions are imposed.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-060, filed 7/11/86; Order 4, § 132K-16-060, filed 1/13/71.]

WAC 132K-16-070 Guidelines and safeguards. (1) In the event that it becomes necessary for the college to take disciplinary action against a student, the following procedural steps will be followed prior to such action.

(a) The student will be notified in writing -

(i) Of the charges which will include the specific regulations alleged to be violated and the names of the complaining witnesses.

(ii) Of the date, time and place of the hearing relative to the charge and the general nature of the planned proceedings, including the statement that a new hearing

date will be fixed if additional time to prepare a response to the charge is desired.

(iii) Of the opportunity to present information to establish innocence or mitigation of the circumstances, including a specific statement that supporting witnesses or statements will be welcome and that a student may have the assistance of or utilize a spokesman in the presentation of his position at the hearing.

(b) Notification will be given the student, prior to the receipt of any evidence at the hearing, that the student will not be required to give evidence which may be self-incriminating.

(c) The student will be advised of his right and appeal procedures and will sign a statement indicating that he has been apprised of these rights and appeal procedures.

(d) No transcription of the testimony will be made at this hearing; however, records of the disposition of the case will be maintained.

(2) Appeals

(a) Any disciplinary decisions involving Pierce College students may be appealed to the disciplinary appeals committee by the involved student or other students, faculty, or administrators, with the written consent of the involved student.

(b) The disciplinary appeals committee shall be a standing committee composed of three students and three faculty members.

(i) Faculty members – as chosen by the faculty senate.

(ii) Student members – appointed by the chairman of the student board of directors of Pierce College.

(c) The committee shall select a chairman from their membership, and he shall be a voting member. This committee will function as a hearing committee and will make decisions according to a majority vote. In the case of a tie, each committee member's recommendation will be referred to the president of the college for his decision in the case. The decision of this committee or college president (in case of a tie) will be referred to the dean of students for action.

(d) Any decision of the disciplinary appeals committee or the college president may be appealed, by the involved student, to the board of trustees of Community College District No. 11 for review. The decision of the board of trustees shall be referred to the dean of students for action.

(3) **Due process** The following committee procedures are established to satisfy the requirements of procedural due process.

(a) No member of the committee, who is otherwise interested in the case, will sit in judgment during the proceedings. Replacement faculty appointments will be made by the president of the faculty senate and replacement student appointments will be made by the chairman of the student board of directors of Pierce College.

(b) The student will be notified, in writing, of the reasons for the proposed hearing at least one week before the scheduled committee hearing. If the student finds the date fixed inconvenient or burdensome, a new hearing date will be fixed upon request by the student,

in writing, directed to the disciplinary appeals committee.

(c) The student appearing before the committee has the right to be assisted in his defense by an advisor or spokesman of his choice.

(d) The burden of proof rests upon the individual or official bringing the charge.

(e) The student has the opportunity to testify and to present evidence and witnesses. He has the opportunity to hear and question all witnesses.

(f) Thorough record will be made of the committee hearing. The student shall receive a written report of committee hearings regarding his case.

(4) Readmission

(a) A student dismissed from the college may be readmitted only on written petition to the dean of students. Such petitions must indicate how specific conditions have been met and any reasons which support a reconsideration of the matter. If the petition is refused, the dismissed student may appeal to the disciplinary appeals committee under the rules set forth under disciplinary proceedings.

(5) Student rights and responsibilities policy review

(a) This document shall be reviewed by the student board of directors and the dean of students at least once each year.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-070, filed 7/11/86; Order 4, § 132K-16-070, filed 1/13/71.]

Chapter 132K-20 WAC TENURE POLICY

WAC

132K-20-010	Purpose.
132K-20-020	Definitions.
132K-20-030	Composition of review committees.
132K-20-040	Duties and responsibilities of review committees.
132K-20-050	Policy relating to the dismissal of tenured and probationary faculty members.
132K-20-060	Policy relating to continuing teaching excellence and professional improvement after tenure.
132K-20-070	Procedure relating to the dismissal of a tenured or probationary faculty member for cause.
132K-20-080	Designation of administrative appointments.
132K-20-090	Confidentiality of reports.
132K-20-100	Retention of tenure.
132K-20-110	Rights of transferees.

WAC 132K-20-010 Purpose. The board of trustees of Community College District No. 11 hereby establishes the following rules on faculty tenure, the purpose of which is twofold:

(1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Pierce College and all subsequent community colleges hereafter established within Community College District No. 11; and

(2) To assure that tenure is granted to faculty members of such character and scholarly ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers. However, after tenure is granted to a faculty

member, it becomes the responsibility of each tenured faculty member to maintain his teaching excellence and pursue professional improvement. It will be the primary responsibility of the tenured faculty members as a group to maintain a program of professional improvement. The college will maintain a program of continuing evaluation of instruction to facilitate this process.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-20-010, filed 7/11/86; Order 5, § 132K-20-010, filed 2/11/71.]

WAC 132K-20-020 Definitions. As used in this chapter the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the board of trustees of Community College District No. 11.

(2) The definition of "tenure," "faculty appointment," "probationary appointment," shall be the same as are contained within section 33, chapter 283, Laws of 1969 ex. sess., as amended by sections 1 and 3, chapter 5, Laws of 1970, by chapter 33, Laws of 1974 ex. sess. and as are hereafter amended.

(3) "Regular college year" shall mean a faculty appointment inclusive of consecutive fall, winter, and spring quarters.

(4) "President" shall mean the president of Pierce College and of any other college hereafter established within Community College District No. 11, or in such president's absence, the acting president.

(5) "College" shall mean Pierce College and any subsequent community college hereafter established within Community College District No. 11.

(6) "Review committee" shall mean a committee composed of three faculty members who hold either faculty appointments or probationary faculty appointments and two administrators, and one student appointed pursuant to WAC 132K-20-030.

(7) "Full time" shall mean a faculty member holding a contract for maximum specified teaching days of the regular college year and who is receiving monetary compensation from his position on the full-time faculty salary schedule.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-20-020, filed 7/11/86; Order 27, § 132K-20-020, filed 4/9/75; Order 5, § 132K-20-020, filed 2/11/71.]

WAC 132K-20-030 Composition of review committees. (1) A separate review committee shall be established for each full time probationer which shall serve as a standing committee until such time as the probationer is either granted tenure or his employment in a faculty appointment is terminated.

(2) Each review committee shall be composed of seven persons. Prior to October 15 of the probationer's first full regular college year of employment, faculty acting in a body shall select 4 teaching faculty members to comprise faculty representation on the review committee. Two administrators representing instruction and student services, respectively, will be selected by the college president. One student appointed by the student board of directors, will serve on the review committee with full membership privilege. Such review committee

shall first meet at the call of the college president; thereafter, the committee shall meet with the probationer at least twice during each winter quarter, and additionally, within ten days of the receipt of a written request from the college president setting forth good cause to meet. A chairman shall be elected by the review committee at its first meeting.

(3) If a vacancy occurs upon any review committee prior to the expiration of the probationer's appointment as such, an administrative, faculty member, or student, as appropriate, shall be appointed to fill the vacancy pursuant to section (2) of this rule to serve for the duration of the committee's obligation.

[Order 27, § 132K-20-030, filed 4/9/75; Order 5, § 132K-20-030, filed 2/11/71.]

WAC 132K-20-040 Duties and responsibilities of review committees. (1) The general duty and responsibility of the review committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid him to overcome his deficiencies.

(2) The first order of business for each review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full time probationer assigned thereto. Included in this procedure the committee shall be responsible for specifying measurable performance objectives and/or observable objectives the committee believes appropriate for the attainment of tenure. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer has fulfilled these objectives. A review committee's evaluation procedures shall include:

(a) Classroom observations by members of the tenure review committee upon request of probationary faculty member;

(b) Student evaluations administered by the probationary instructor, division chairman, and the student government;

(c) Assessment of the probationer's contributions to the department, division, and institution by the department and division heads; and

(d) Self-evaluation by the probationer.

[Order 27, § 132K-20-040, filed 4/9/75; Order 5, § 132K-20-040, filed 2/11/71.]

WAC 132K-20-050 Policy relating to the dismissal of tenured and probationary faculty members. When reason arises to question the fitness of a tenured or probationary faculty member, it shall be the policy to attempt to resolve the matter without instituting formal dismissal procedures. Furthermore, it shall be the policy that a faculty member shall not be dismissed except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause shall include but is not limited to:

(a) Incompetency in his professional assignment;

(b) Neglect of duty;

(c) Failure to obey a lawful order of a person in authority who is acting in the parameters of his authority;

(d) Conduct unbecoming a member of the faculty and which is detrimental to the educational objectives of the college, provided that no such charge shall be sustained that constitutes interference with academic freedom of the person charged;

(e) Physical or mental inability to perform duties as a professional employee;

(f) Any unlawful act of violence;

(g) Any unlawful act resulting in destruction of college property;

(h) Any unlawful interference with the orderly conduct of the educational process.

[Order 5, § 132K-20-050, filed 2/11/71.]

WAC 132K-20-060 Policy relating to continuing teaching excellence and professional improvement after tenure. To facilitate the continuing evaluation of tenured faculty members, every year after the awarding of tenure to a faculty member, division chairmen shall review the teaching excellence and professional improvement of each division faculty member. When reason arises to question the continuing teaching excellence or professional improvement of a tenured faculty member, it shall be the policy to attempt to resolve the matter without taking formal disciplinary action. When a division chairman considers that a division member is not continuing in his teaching excellence or professional improvement according to the criteria outlined in the District No. 11 continuing teaching excellence and professional improvement policy, the division chairman shall take action as set forth in that policy.

[Order 5, § 132K-20-060, filed 2/11/71.]

WAC 132K-20-070 Procedure relating to the dismissal of a tenured or probationary faculty member for cause. (1) A dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the dismissal review committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the college president

(b) Two faculty members and two alternates shall be chosen by the faculty acting in a body. (The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting as a body.)

(c) The college president shall choose one alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

(d) The alternate shall be called upon if the first appointee is the subject of review.

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

(2) When the president receives or initiates a formal written recommendation about a faculty member which may warrant dismissal, he shall inform that faculty member. Within ten days after having been so informed, the faculty member will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which in dismissal cases 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 faculty member be dismissed.

(3) If the president recommends that the faculty member be dismissed, he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain

(i) The grounds for dismissal in reasonable particularity;

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

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

(b) Call into action the dismissal review committee and deliver the above statement to the members of the dismissal review committee, if the academic employee requests a hearing.

(4) After receiving the president's recommendation for dismissal, the affected academic employee may request a hearing within the following five days. If the president does not receive this request within five days, the academic employee's right to a hearing will be deemed waived.

(5) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written recommendation from the college president, establish a date for a committee hearing giving the faculty member so charged twenty days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The dismissal review committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

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

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The dismissal review committee shall appoint a presiding or hearing officer. Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

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

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

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

(d) The hearing officer shall prepare proposed findings of fact and a record for review by the appointing authority 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.

(8) A copy of the above shall be transcribed and furnished to the faculty member whose case is being heard.

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

(10) Within ten business days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within ten business days of the conclusion of the hearing the president of the college, the faculty member and the board of trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The board of trustees shall meet within thirty days subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The board of trustees shall afford the parties the right to 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 the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendation of the dismissal review committee. The dismissal review committee's

recommendations shall be advisory only and in no respect binding in fact or law upon the decision-maker, the board of trustees. The board of trustees shall within ten days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the president during the administrative 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 with pay.

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

(14) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees within ten days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.

(15) If the president of the Community College District No. 11 initiates a formal written recommendation that a faculty member be dismissed and the board of trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member'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 faculty member's permanent personnel file along with a record of the outcome of the dismissal proceeding.

If the facts are to be retained in the faculty member's permanent personnel file, the faculty member will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-20-070, filed 7/11/86; 81-07-025 (Order 43), § 132K-20-070, filed 3/12/81; Order 20, § 132K-20-070, filed 12/14/73; Order 5, § 132K-20-070, filed 2/11/71.]

WAC 132K-20-080 Designation of administrative appointments. The following positions are hereby designated administrative appointments in respect to which tenure may not be acquired:

- (1) President.
- (2) Dean of instruction.
- (3) Dean of students.

(4) Dean of administrative services/director of classified personnel.

(5) Associate dean of students for student development.

(6) Associate dean basic education, community service and military.

(7) Associate dean for career education.

(8) Controller associate dean of administrative services.

(9) Director of learning center resource.

(10) Associate dean of student services.

(11) Any others specifically so designated by the appointment authority.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-20-080, filed 7/11/86. Statutory Authority: RCW 28B.50.140 and 28B.50.850 through 28B.50.870. 78-12-014 (Order 38), § 132K-20-080, filed 11/13/78; Order 5, § 132K-20-080, filed 2/11/71.]

WAC 132K-20-090 Confidentiality of reports. All reports prepared and/or provided pursuant to this chapter by a review committee shall be held in confidence by the committee, the president, and appointing authority except where otherwise required by law.

[Order 5, § 132K-20-090, filed 2/11/71.]

WAC 132K-20-100 Retention of tenure. A tenured faculty member moving into an administrative position shall retain his tenure as a faculty member.

[Order 5, § 132K-20-100, filed 2/11/71.]

WAC 132K-20-110 Rights of transferees. (1) Upon transfer within the college district, a tenured faculty member shall retain tenure and rights accruing from his previous employment within the district. Provided that

(2) Upon permanent transfer to another community college district, such tenure and rights accruing from previous employment, shall not be transferable.

[Order 5, § 132K-20-110, filed 2/11/71.]

Chapter 132K-24 WAC

CONTINUING TEACHING EXCELLENCE AND PROFESSIONAL IMPROVEMENT POLICY

WAC

132K-24-010	Purpose.
132K-24-020	Responsibilities.
132K-24-030	Criteria of teaching excellence and professional improvement.
132K-24-040	Procedures.

WAC 132K-24-010 Purpose. To facilitate the continuing evaluation of tenured faculty members, every year after the awarding of tenure to a faculty member, division chairman shall review the teaching excellence and professional improvement of each division faculty member. Such review shall be equal and consistent in each case to the review of every other faculty member.

(1) To provide guidelines for individual faculty members to plan a program of professional improvement and to pursue teaching excellence.

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(2) To suggest criteria that the division chairmen, other administrative personnel, and/or other concerned personnel may use to carry out their assigned functions of evaluating instructional personnel.

(3) To establish procedures of monitoring and enforcing programs that are generated by division action for individuals.

[Order 6, § 132K-24-010, filed 9/17/71.]

WAC 132K-24-020 Responsibilities. (1) It is expected that each individual faculty member will provide for his continuing teaching excellence and professional improvement.

(2) Division chairmen may use the "criteria of teaching excellence and professional improvement," listed in section III, as one means of evaluating instructional personnel.

(3) The office of instruction will monitor the programs generated by the division for individual faculty members.

[Order 6, § 132K-24-020, filed 9/17/71.]

WAC 132K-24-030 Criteria of teaching excellence and professional improvement. It will be considered evidence that faculty members are in compliance with the intent of this policy if they are engaged in any combination of the following activities:

(1) Attendance at professional conferences, conventions, meetings, or workshops relevant to the instructor's area of concern.

(2) Completion of teacher education courses, specialized training, or college credit programs relevant to the instructor's area of concern.

(3) Educational travel or periods of employment in related work.

(4) Changing texts, course outlines, tests, and other class materials to reflect current advancements within the various subject areas.

(5) Developing new courses, expanding current programs and curriculum, to include such things as state or national level programs.

(6) Taking an active part in intracollege programs, councils and committees that are involved in professional improvement.

(7) Research activities and writing for publication.

(8) Establishing and maintaining an appropriate individual program of evaluating classroom effectiveness which should include at least a record of student evaluations and the faculty member's attempts to respond to these critiques.

(9) Involvement in community service activities involving college related activities that are consistent with college objectives.

(10) Carry out functions as outlined in the *Policies and Procedures Handbook* under "faculty responsibilities and guidelines."

[Order 6, § 132K-24-030, filed 9/17/71.]

WAC 132K-24-040 Procedures. When a division member is not continuing in his teaching effectiveness or

professional improvement, the division chairman will initiate the following procedures:

(1) He will meet with this faculty member and develop a plan for professional improvement to be made during an agreed upon period.

(2) A follow-up conference will be initiated between the division chairman and the concerned faculty member at the end of the agreed upon period.

(3) If the division chairman at that time is convinced that professional improvement is not apparent, the division chairman will convene a planning committee. This planning committee will be composed of the division chairman, a division member elected by the division, the concerned division member and the dean of instruction.

(4) The committee will review the evidence of the faculty member's professional development or teaching effectiveness. If the committee concurs with the division chairman's evaluation, the committee will establish a program of professional improvement for the faculty member together with a schedule for completion of the specific elements of the program.

(5) If, after the schedule for professional improvement has been completed, the committee considers the faculty member's professional improvement or teaching effectiveness to be unsatisfactory for the period, the committee may:

(a) Recommend to the college president that the individual's salary advancement for the ensuing year be withheld or

(b) Recommend to the college president that the faculty member's review committee be formally activated pursuant to WAC 132K-20-050 and 132K-20-060. (Community College District 11 tenure policy)

(6) Any professional staff member, with two professional staff cosigners, may petition for an evaluation of the teaching effectiveness and professional improvement of any division chairman. The evaluation will be initiated by the dean of instruction. If the dean's evaluation indicates that a division chairman's teaching record in this regard is inadequate, the dean will initiate steps one and two (paragraphs 1 and 2 above). If professional improvement is not apparent at the time of the follow-up conference, the dean will convene a planning committee, composed of the dean of instruction, a division member elected by the division, the most senior member of the division (other than the division chairman himself or the elected division member), and the concerned division chairman. The rest of the steps, paragraphs 4 and 5 above, will then become applicable.

[Order 6, § 132K-24-040, filed 9/17/71.]

Chapter 132K-112 WAC

QUALIFICATIONS AND PERSONNEL SELECTION POLICY--ELECTION RULES

WAC

- 132K-112-011 Employment of more than one member of a family.
- 132K-112-100 Purpose--Elections and recognition.
- 132K-112-105 Definitions.
- 132K-112-110 Request for election--Canvass of faculty employees by independent and neutral person or association.

- 132K-112-115 Notice of election--Organization to be included on ballot--Time for filing.
- 132K-112-120 Contents of notice of election--Designation of chief election officer--Duties.
- 132K-112-125 Lists of faculty employees--Posting of lists.
- 132K-112-130 Election inspectors--Duties--Right to challenge voter--Improper conduct.
- 132K-112-135 Ballots.
- 132K-112-140 Record of vote--Signature--Challenge.
- 132K-112-145 Incorrectly marked ballot.
- 132K-112-150 Privacy for voter--Equipment.
- 132K-112-155 Folding ballot--Ballot box.
- 132K-112-160 Challenged ballot--Procedure.
- 132K-112-165 Employees present entitled to vote--Sealing ballot box--Unused ballots.
- 132K-112-170 Election inspectors duties after voting has terminated.
- 132K-112-175 Disposition of challenged ballots--Tally sheets--Investigation by chief election officer.
- 132K-112-180 Counting of ballots--Procedure--Certification of results of election--Retention of ballots--Signed voting lists.
- 132K-112-185 Electioneering within the polls forbidden.
- 132K-112-190 Contest of election--Time for filing objections--Investigation of objections.
- 132K-112-195 Persons eligible to vote.
- 132K-112-2001 Election determined by majority of valid votes cast calculated on a weighted basis--Run-off election.
- 132K-112-205 Inclusion of those holding administrative appointments except chief executive officer.
- 132K-112-210 Time lapse for new election.
- 132K-112-215 Certification of academic employees' representative.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132K-112-010 Guidelines for selecting faculty and administrative personnel. [Order 16, § 132K-112-010, filed 5/11/73; Order 9, § 132K-112-010, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
- 132K-112-015 Personnel selection practices governing professional personnel. [Statutory Authority: RCW 28B.50.140 and 28B.50.850 through 28B.50.870. 78-12-014 (Order 38), § 132K-112-015, filed 11/13/78; Order 33, § 132K-112-015, filed 12/23/76; Order 9, § 132K-112-015, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
- 132K-112-020 General standards of qualifications for Community College District No. 11 personnel. [Order 9, § 132K-112-020, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
- 132K-112-025 Additional qualifications in areas of specialization. [Order 9, § 132K-112-025, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
- 132K-112-200 Reduction in force. [Order 35, § 132K-112-200, filed 12/23/76; Order 21, § 132K-112-200, filed 12/14/73.] Repealed by 81-10-022 (Order 42), filed 4/28/81. Statutory Authority: RCW 28B.50.140.

WAC 132K-112-011 Employment of more than one member of a family. The appointment of more than one member of a family in the same division or department as a permanent employee in the classified staff service requires special justification in terms of personnel requirements and the unusual qualifications of the individual. Such appointment must have the prior approval of the director and is subject to periodic review. Two persons who are related by blood ties or by marriage may not be appointed to positions where one might exert any influence or produce any consequence upon the employment of the other. In general, people who are so related

may not be employed in the same division or department of the college.

[Order 12, § 132K-112-011, filed 1/8/73.]

WAC 132K-112-100 Purpose--Elections and recognition. The board of trustees of Community College District No. 11 proposes the adoption of policies for the administration of chapter 28B.52 RCW which has as its purpose the strengthening of methods of communication between faculty employees and the community college district by which they are employed. Therefore, the board of trustees of Community College District No. 11 adopts reasonable rules and regulations for the administration of employer-employee relations under this chapter.

[Order 23, § 132K-112-100, filed 9/9/74.]

WAC 132K-112-105 Definitions. (1) "Employee organization" means any organization which includes as members the faculty employees of Community College District No. 11 and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

(2) "Faculty employee" means any teacher, counselor, librarian, or division head, who is employed by Community College District No. 11, with the exception of those holding administrative appointments as defined by the board of trustees unless included as specified in WAC 132K-112-205 and those employed exclusively in community service courses.

(3) "Full-time appointment" shall be one in which the academic employee receives a full-time contract and works a full-time load for three complete quarters in one academic year. (Fall, winter, spring.)

(4) "Part-time appointment" shall mean employment in a quarterly teaching agreement with specifically assigned duties usually based on contact hours for the two previous, consecutive quarters, exclusive of summer quarter. (For purpose of determining proportion of vote, a full-time load shall consist of a maximum of 25 contact hours, weekly, for high school completion; college level, 20 contact hours; learning labs such as mathematics, reading/individual progress center, counselors and librarians, 40 contact hours. In addition, all full-time faculty are required to have office hours as prescribed by the administration, committee assignments, advising and other assigned duties.)

[Order 23, § 132K-112-105, filed 9/9/74.]

WAC 132K-112-110 Request for election--Canvass of faculty employees by independent and neutral person or association. Any organization, which includes as members faculty employees of Community College District No. 11, desiring to be recognized as the majority organization representing such employees pursuant to chapter 28B.52 RCW shall request in writing to the board of trustees of Community College District No. 11 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the act. Upon the receipt of

such a request the board of trustees of Community College District No. 11 will request some independent and neutral person or association to determine whether thirty percent or more, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, of the faculty employees of Community College District No. 11 have indicated that they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues-paying membership, signed authorizations to represent, or other reliable probative evidence.

[Order 23, § 132K-112-110, filed 9/9/74.]

WAC 132K-112-115 Notice of election--Organization to be included on ballot--Time for filing. If the independent and neutral person or association determines that thirty percent or more of the faculty employees of Community College District No. 11 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 11 will publish a notice that it will hold an election as soon as practical, during the regular academic year, to determine whether the faculty employees of Community College District No. 11 desire the requesting organization or any other organization to represent them for the purposes of chapter 28B.52 RCW. Any other organization of faculty employees desiring to be designated as the majority organization representing such employees shall, within seven days after publication of such notice by the board of trustees of Community College District No. 11, file with the board of trustees a request in writing that its name be included on the ballot in the election to be held. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within seven days after the publication of the notice that an election will be held. Such organization must accompany the request for placement on the ballot by written proof of at least ten percent representation, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200 of the faculty employees within the district.

[Order 23, § 132K-112-115, filed 9/9/74.]

WAC 132K-112-120 Contents of notice of election--Designation of chief election officer--Duties. The notice published by the board of trustees of Community College District No. 11 pursuant to WAC 132K-112-115 shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules.

[Order 23, § 132K-112-120, filed 9/9/74.]

WAC 132K-112-125 Lists of faculty employees--Posting of lists. In any election conducted pursuant to these rules, three lists of faculty employees eligible to

vote shall be prepared by the board of trustees for each voting place. List one shall contain the name of faculty employees on full-time appointments and names of academic employees on part-time appointments whose assignment is equal to or greater than a full load. Faculty employees on list one shall be given the election ballot titled full vote as described in WAC 132K-112-135. List two shall contain the names of faculty employees on part-time appointments whose assignments are one-half of a full load or greater but less than full time. Faculty employees on list two shall be given the election ballot titled two-thirds vote as described in WAC 132K-112-135. List three shall contain the names of faculty employees on part-time appointments whose assignments are less than one-half of a full load. Faculty employees on list three shall be given the election ballot titled one-third vote as described in WAC 132K-112-135. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of a faculty employee to vote in the election.

[Order 23, § 132K-112-125, filed 9/9/74.]

WAC 132K-112-130 Election inspectors--Duties--

Right to challenge voter--Improper conduct. The election officer shall designate at least one inspector for each polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the college district office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge the ballot of that person shall be treated as provided in these rules. Any faculty employee may challenge his/her placement on the election lists by so indicating to the appropriate election inspector at the time of voting, and upon such challenge the ballot of that person shall be treated as provided in these rules. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the result of the voting at the polling place at which they serve as observers.

[Order 23, § 132K-112-130, filed 9/9/74.]

WAC 132K-112-135 Ballots. The ballots used in any election held pursuant to this part shall be in the following forms listing all eligible organizations along with a means of indicating no organization.

(1) Full Vote Ballot

FULL VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

(1990 Ed.)

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

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

(2) Two-Thirds Vote Ballot

TWO-THIRDS VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

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

(3) One-Third Vote Ballot

ONE-THIRD VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

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

(4) The above ballots will be color coded by being prepared on the following paper: Blue for full vote, green for two-thirds vote, and white for one-third vote.

[Order 23, § 132K-112-135, filed 9/9/74.]

WAC 132K-112-140 Record of vote--Signature--

Challenge. At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting lists for the polling place at which he votes. Each faculty employee may cast

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only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge of his right to cast a ballot in an election.

[Order 23, § 132K-112-140, filed 9/9/74.]

WAC 132K-112-145 Incorrectly marked ballot. Any voter who incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter.

[Order 23, § 132K-112-145, filed 9/9/74.]

WAC 132K-112-150 Privacy for voter--Equipment. Voters shall be provided with tables or desks so arranged that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it.

[Order 23, § 132K-112-150, filed 9/9/74.]

WAC 132K-112-155 Folding ballot--Ballot box. Each voter shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked box provided at the designated voting place.

[Order 23, § 132K-112-155, filed 9/9/74.]

WAC 132K-112-160 Challenged ballot--Procedure. A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall then be placed in another envelope upon which shall be written the name of the employee desiring to cast the ballot, the reasons for which the ballot was challenged, by whom it was challenged, and the polling place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

[Order 23, § 132K-112-160, filed 9/9/74.]

WAC 132K-112-165 Employees present entitled to vote--Sealing ballot box--Unused ballots. At the time for closing the polls, all employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

[Order 23, § 132K-112-165, filed 9/9/74.]

WAC 132K-112-170 Election inspectors duties after voting has terminated. When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the community college district office the following: (1) Signed voting list of eligible faculty employees, (2) all unused ballots, (3) all challenged ballots, and (4) the sealed ballot box containing all ballots cast.

[Order 23, § 132K-112-170, filed 9/9/74.]

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WAC 132K-112-175 Disposition of challenged ballots--Tally sheets--Investigation by chief election officer. The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the chief election officer. The challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the eligibility challenge was properly made, that ballot shall be excluded from the count. If he concludes that the listing error challenge was properly made, that ballot shall be counted in the appropriate category. Otherwise, such ballots shall be counted as cast.

[Order 23, § 132K-112-175, filed 9/9/74.]

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

[Order 23, § 132K-112-180, filed 9/9/74.]

WAC 132K-112-185 Electioneering within the polls forbidden. No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

[Order 23, § 132K-112-185, filed 9/9/74.]

WAC 132K-112-190 Contest of election--Time for filing objections--Investigation of objections. Any organization, the name of which appears on the ballot, or any faculty employee may within five days after the certification of the results of an election under the provisions of this part, file objections to the conduct of the election with the chief election officer designated by the board of trustees pursuant to WAC 132K-112-120 of this part. The election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the board of trustees. If the board of trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. If the objection(s) of the organization or employee(s) concerns the placement of faculty employee(s) on appropriate voting lists, the board shall review the report of the election officer and shall order a new election only if they disagree with the resolution implemented by the election officer and find that the method used may have improperly affected the results of the election. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

[Order 23, § 132K-112-190, filed 9/9/74.]

WAC 132K-112-195 Persons eligible to vote. For the purposes of eligibility to vote, the term "faculty employee" means any full-time teacher, counselor, librarian, or division head, who is currently employed by Community College District No. 11 with the exception of those holding administrative appointments as defined by the board of trustees unless included as specified in WAC 132K-112-205. "Faculty employee" shall also mean any teacher, counselor, librarian, or division head who has been employed by the college less than fulltime for the previous two consecutive quarters, exclusive of summer quarters, except for those employed exclusively for community service courses.

[Order 23, § 132K-112-195, filed 9/9/74.]

WAC 132K-112-2001 Election determined by majority of valid votes cast calculated on a weighted basis--Run-off election. An organization of faculty employees which receives a majority of the valid votes cast, calculated on a weighted basis, in an election held in accordance with the rules of this part shall be recognized as representing the faculty employees of Community College District No. 11 pursuant to chapter 28B.52 RCW. If more than one organization of faculty employees has participated in an election and a majority of the valid votes cast, calculated on a weighted basis, has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest weighted number of valid votes cast in the election shall appear on the ballot.

[Order 23, § 132K-112-200 (codified as WAC 132K-112-2001), filed 9/9/74.]

(1990 Ed.)

WAC 132K-112-205 Inclusion of those holding administrative appointments except chief executive officer. Any three persons holding an administrative appointment as defined by the board of trustees of Community College District No. 11 desiring to be included in the faculty employee organization shall request in writing to the board of trustees of Community College District No. 11 that a two-stage election process be held to determine if a majority of those holding administrative appointments as defined by the board of trustees of Community College District No. 11, except the chief executive officer, desire to designate the faculty employee organization as their representative for the purpose of the act. Upon the receipt of such a request the board of trustees of Community College District No. 11 will request some independent and neutral person or association to determine whether thirty percent or more, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, of those holding administrative appointments have indicated they desire to be represented by the faculty employee organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues-paying membership, signed authorizations to represent, or other reliable and probative evidence.

If the independent and neutral person or association determines that thirty percent of those holding administrative appointments, as determined by the board of trustees of Community College District No. 11 have indicated that they desire to be represented by the faculty employee organization for such purposes, the board of trustees of Community College District No. 11 will publish notice of the election, and conduct the election as specified in WAC 132K-112-115, through 132K-112-200 of these rules.

If the majority of those holding administrative appointments, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, desire to be represented by the faculty employee organization, the board of trustees of Community College District No. 11 will publish notice of the election to determine if a majority of all members of the faculty employee organization favor the inclusion of those holding administrative appointments in their organization. The board of trustees of Community College District No. 11 shall conduct the election as specified in WAC 132K-112-115 through 132K-112-200 of these rules.

[Order 23, § 132K-112-205, filed 9/9/74.]

WAC 132K-112-210 Time lapse for new election. If no organization of faculty employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of faculty employees is selected as the recognized employee organization in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

[Title 132K WAC--p 33]

[Order 23, § 132K-112-210, filed 9/9/74.]

WAC 132K-112-215 Certification of academic employees' representative. The employee organization which receives the majority of all votes cast in any election held pursuant to WAC 132K-112-100 through 132K-112-215 shall be certified as the representative of all academic employees as of the expiration or nonrenewal, whichever is sooner, of any collective bargaining agreement between the district and a certified academic employees' representative. In the absence of any such collective bargaining agreement, certification of the prevailing organization shall be effective concurrently with certification of the election results as provided in WAC 132K-112-180.

[Order 23, § 132K-112-215, filed 9/9/74.]

Chapter 132K-116 WAC PARKING AND TRAFFIC RULES

WAC

- 132K-116-010 Introduction.
- 132K-116-015 Objectives of traffic rules and regulations.
- 132K-116-020 Applicable traffic rules and regulations—Areas affected.
- 132K-116-025 Permits required for vehicles on campus.
- 132K-116-030 Tourists and visitors—Exemption from permit requirements.
- 132K-116-035 Restrictions on use of vehicles with permits.
- 132K-116-040 Speed.
- 132K-116-045 Regulatory signs and directions.
- 132K-116-050 Pedestrians—Right-of-way.
- 132K-116-055 Parking—Permits required.
- 132K-116-060 Parking within designated spaces.
- 132K-116-065 Disabled and inoperative or abandoned vehicles—Impounding.
- 132K-116-070 Special traffic and parking regulations and restrictions authorized.
- 132K-116-075 Authorization for issuance of permits.
- 132K-116-080 Numbering of parking areas.
- 132K-116-085 Allocation of parking space.
- 132K-116-090 Visitors and guests.
- 132K-116-095 Permit revocations.
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- 132K-116-105 Faculty and staff permit periods.
- 132K-116-110 Fees for permits.
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- 132K-116-120 Display of permits.
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- 132K-116-140 Grievance proceedings—Bond for appearance—Date of hearing.
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- 132K-116-150 Mitigation and suspension of penalties.
- 132K-116-155 Enforcement of determination of the parking committee.
- 132K-116-160 Regulatory signs, markings, barricades, etc.
- 132K-116-165 Impounding of vehicles.
- 132K-116-170 Delegation of authority.
- 132K-116-175 Liability of college.

WAC 132K-116-010 Introduction. Section 1. Pierce College District Number Eleven hereby establishes these regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Pierce College.

[Title 132K WAC—p 34]

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-116-010, filed 7/11/86; Order 13, § 132K-116-010, filed 2/20/73.]

WAC 132K-116-015 Objectives of traffic rules and regulations. Section 2. The objectives of these traffic regulations are:

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

[Order 13, § 132K-116-015, filed 2/20/73.]

WAC 132K-116-020 Applicable traffic rules and regulations—Areas affected. Section 3. The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of the college are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington shall be applicable upon all lands located within the state of Washington.
- (2) The traffic code of Pierce County, Washington shall be applicable upon all lands located within Pierce County, Washington.
- (3) These regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of the college.

[Order 13, § 132K-116-020, filed 2/20/73.]

WAC 132K-116-025 Permits required for vehicles on campus. Section 4. Except as provided in WAC 132K-116-030, no person shall drive any vehicle, nor shall any person stop, park, leave or abandon any vehicle, whether attended or unattended, upon the campus of the college without a permit issued by the parking office of the college.

Abandoned vehicle: For purposes of this chapter, "abandoned vehicle" shall mean any vehicle left on college property in violation of college parking rules and without the written consent of the college for a period of 24 hours or longer. Written consent shall be granted the owner or operator of an abandoned vehicle who is unable to remove the vehicle from the place where it is located and so notifies the physical plant director and requests assistance.

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

(2) A valid permit is:

- (a) An unexpired parking sticker properly registered and displayed in accordance with instructions, or
- (b) A temporary permit authorized by the parking office of the college and displayed in accordance with instructions on the permit, or

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

(3) Parking permits are not transferable.

(4) The college reserves the right to refuse the issuance of a parking permit.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-116-025, filed 7/11/86; Order 36, § 132K-116-025, filed 9/6/77; Order 31, § 132K-116-025, filed 9/17/76; Order 13, § 132K-116-025, filed 2/20/73.]

WAC 132K-116-030 Tourists and visitors--Exemption from permit requirements. Section 5. The college parking booth attendant will allow tourists and visitors to drive on the campus. A visitor's permit shall be issued without a fee at time of entrance.

[Order 31, § 132K-116-030, filed 9/17/76; Order 13, § 132K-116-030, filed 2/20/73.]

WAC 132K-116-035 Restrictions on use of vehicles with permits. Section 6. Decisions on the granting of permits for physically handicapped students will be made by the handicapped program coordinator of the college, or his/her designee.

[Order 31, § 132K-116-035, filed 9/17/76; Order 13, § 132K-116-035, filed 2/20/73.]

WAC 132K-116-040 Speed. Section 7. No vehicle shall be operated on the campus at a speed in excess of 20 miles per hour unless otherwise posted or such lower speed as is reasonable and prudent in the circumstances.

[Order 31, § 132K-116-040, filed 9/17/76; Order 13, § 132K-116-040, filed 2/20/73.]

WAC 132K-116-045 Regulatory signs and directions. Section 8. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the college parking office in the control and regulation of traffic.

[Order 31, § 132K-116-045, filed 9/17/76; Order 13, § 132K-116-045, filed 2/20/73.]

WAC 132K-116-050 Pedestrians--Right-of-way. Section 9. (1) The operator of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to any pedestrian crossing any street or roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

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

(3) Pedestrians on a street or roadway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme lefthand side of

the roadway and upon meeting an oncoming vehicle shall step to their left and clear off the street or roadway.

[Order 13, § 132K-116-050, filed 2/20/73.]

WAC 132K-116-055 Parking--Permits required. Section 10. (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked in any parking area without a permit for that area.

[Order 13, § 132K-116-055, filed 2/20/73.]

WAC 132K-116-060 Parking within designated spaces. Section 11. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

[Order 13, § 132K-116-060, filed 2/20/73.]

WAC 132K-116-065 Disabled and inoperative or abandoned vehicles--Impounding. Section 12. No disabled or inoperative or abandoned vehicle shall be parked on the campus without a permit to do so. Vehicles which have been disabled, inoperative or abandoned may be impounded and stored at the expense of either or both the owner and operator thereof following 24 hours notice posted at a conspicuous place on the vehicle. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

Impoundment without notice. A vehicle may be impounded without notice to the owner or operator in the following circumstances:

(1) When in the judgment of the physical plant director, the vehicle is obstructing or may impede the flow of traffic; or

(2) When in the judgment of the physical plant director, the vehicle poses an immediate threat to public safety.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-116-065, filed 7/11/86; Order 36, § 132K-116-065, filed 9/6/77; Order 31, § 132K-116-065, filed 9/17/76; Order 13, § 132K-116-065, filed 2/20/73.]

WAC 132K-116-070 Special traffic and parking regulations and restrictions authorized. Section 13. Upon special occasions causing additional heavy traffic and during emergencies, the college parking office is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives in section 1 [WAC 132K-116-015].

[Order 31, § 132K-116-070, filed 9/17/76; Order 13, § 132K-116-070, filed 2/20/73.]

WAC 132K-116-075 Authorization for issuance of permits. Section 14. The college parking office is authorized to issue permits to drive or park upon the campus.

Permits may be purchased during registration. The application for a permit must be accompanied by the applicant's vehicle registration. This will include second and third vehicle permits also. Late permits may be obtained at the parking office, Room 3014.

[Order 31, § 132K-116-075, filed 9/17/76; Order 13, § 132K-116-075, filed 2/20/73.]

WAC 132K-116-080 Numbering of parking areas. Section 15. The college physical plant director is authorized to designate and mark the various parking areas on the campus with numbers or letters by the posting of signs or by other means in those areas.

[Order 31, § 132K-116-080, filed 9/17/76; Order 13, § 132K-116-080, filed 2/20/73.]

WAC 132K-116-085 Allocation of parking space. Section 16. The parking space available on the campus shall be allocated by the college physical plant director or his designee among applicants for permits in such manner as will best effectuate the objectives of these regulations. Certain restricted parking areas on campus are marked as, "physically handicapped," "faculty," "staff," "service vehicles," "visitors," "motor pool," "loading zone," etc.

[Order 31, § 132K-116-085, filed 9/17/76; Order 13, § 132K-116-085, filed 2/20/73.]

WAC 132K-116-090 Visitors and guests. Section 17. (1) All visitors, guests, salesmen, maintenance or service personnel, and all other members of the public who are not college employees or students will park in available space as directed by the college parking booth attendant without paying a fee, including the following:

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

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

(c) Vehicles owned by contractors and their employees working on campus construction will be parked in designated areas, if available, without charge.

(d) Visiting academic or administrative personnel from other colleges or universities and guest speakers will be parked without charge upon presentation of a guest permit. Responsibility for naming parking arrangements for guests will rest with the sponsoring college department or division.

(e) Members of the press, television, and radio on official business will park without charge.

(f) Taxis will be admitted without charge for pick-up and delivery but will not be given free parking privileges.

(g) No parking fee will be charged visitors and guests attending special college events such as commencement. No parking fees will be charged for college and departmental events such as open house, symposiums, social and cultural events.

(h) Those covered by section 5 [WAC 132K-116-030].

(2) Special permits:

(a) Temporary or part-time employees, salesmen, maintenance and service personnel, and other visitors who must frequently visit the campus on college business, may be issued parking permits at the regular annual or quarterly fee or at the rate based on the regular annual fee, subject to the approval of the college physical plant director.

(b) The college parking office will assist college departments and divisions which sponsor functions such as conferences, seminars, dinners and similar events in arranging parking without collecting parking fees, only if prearranged with the parking office.

(3) Athletics, concerts, plays and other special events: Parking fees will not be charged for vehicles parked at athletics, concerts, plays and other special events held on campus after hours or on weekends.

[Order 31, § 132K-116-090, filed 9/17/76; Order 13, § 132K-116-090, filed 2/20/73.]

WAC 132K-116-095 Permit revocations. Section 18. (1) Permits are the property of the college and may be recalled for any of the following reasons by the college physical plant director:

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

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

(c) Falsification on a parking permit application

(d) Continued violations or [of] parking regulations

(e) Counterfeiting or altering of stickers

(2) Vehicles displaying canceled permits will be subject to citation or impounding.

[Order 31, § 132K-116-095, filed 9/17/76; Order 13, § 132K-116-095, filed 2/20/73.]

WAC 132K-116-100 Duplicate permits for faculty, staff, and student personnel. Section 19. Faculty, staff, and student personnel of the college may apply on a separate application for a permit for a second vehicle owned and operated by that person for a minimum charge of \$.50. Vehicle registration must be presented for verification. If a permit is damaged, remove the portion that is left and a new permit will be issued free of charge. If a vehicle is traded, sold, or demolished, remove the permit (or at least the number portion) and a new permit will be issued at no charge.

[Order 31, § 132K-116-100, filed 9/17/76; Order 13, § 132K-116-100, filed 2/20/73.]

WAC 132K-116-105 Faculty and staff permit periods. Section 20. All faculty and staff will park on a permit basis, i.e., either annually, quarterly, or daily. Annual permits will be payable in full prior to the start of fall quarter of each year.

[Order 31, § 132K-116-105, filed 9/17/76; Order 13, § 132K-116-105, filed 2/20/73.]

WAC 132K-116-110 Fees for permits. Section 21. The fees charged by the college for the issuance of permits shall be those established from time to time by the board of trustees of the college.

[Order 13, § 132K-116-110, filed 2/20/73.]

WAC 132K-116-115 Annual parking fee payment. Section 22. Payment for an annual parking permit must be made by cash or check directly to the business office of the college or to the college cashier at the time of registration. Cash should not be sent by mail.

[Order 13, § 132K-116-115, filed 2/20/73.]

WAC 132K-116-120 Display of permits. Section 23. The permit issued by the college parking office shall be placed as per directions on the permit. Permits not displayed in accordance with the provisions of this section shall not be valid.

[Order 31, § 132K-116-120, filed 9/17/76; Order 13, § 132K-116-120, filed 2/20/73.]

WAC 132K-116-125 Responsibility of person to whom permit is issued. Section 24. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these rules and regulations involving the vehicle for which the permit was issued and to which it was affixed, provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations.

[Order 13, § 132K-116-125, filed 2/20/73.]

WAC 132K-116-130 Refund of fees. Section 25. Parking fees are nonrefundable.

[Order 31, § 132K-116-130, filed 9/17/76; Order 13, § 132K-116-130, filed 2/20/73.]

WAC 132K-116-135 Procedure--Issuance of summons or traffic tickets. Section 26. Upon probable cause to believe that a violation of these regulations has occurred, an officer of the college parking office may issue a summons or traffic ticket setting forth the date, the approximate time, the locality, and the nature of the violation. Such summons may be served by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, or by placing a copy thereof in some prominent place outside such vehicle. Vehicles not displaying a valid permit may be towed after the third violation citation has been issued. (See section 32) Questions pertaining to citations may be directed to the physical plant department, Room 3014.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-116-135, filed 7/11/86; Order 36, § 132K-116-135, filed 9/6/77; Order 31, § 132K-116-135, filed 9/17/76; Order 13, § 132K-116-135, filed 2/20/73.]

WAC 132K-116-140 Grievance proceedings--Bond for appearance--Date of hearing. Section 27.

(1) The summons or traffic ticket issued pursuant to WAC 132K-116-135 shall direct the alleged violator to appear before the college physical plant director within five school days. At that time, the alleged violator will be informed of the next meeting of the college parking committee which will convene on the last Thursday of each month.

(1990 Ed.)

(2) The alleged violator may then elect to waive his right to appear before the college parking committee and pay the appropriate fine or appeal the violation. If the alleged violator elects to appeal the violation, he/she will be informed that the appeal must be made in writing to the college physical plant director giving full particulars, listing witnesses, evidence, etc., within five school days following the issuance of summons or traffic ticket.

The college parking committee shall consist of the college dean of students as chairperson, the college dean of administrative services, and the physical plant director.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-116-140, filed 7/11/86; Order 36, § 132K-116-140, filed 9/6/77; Order 31, § 132K-116-140, filed 9/17/76; Order 15, § 132K-116-140, filed 4/6/73; Order 13, § 132K-116-140, filed 2/20/73.]

WAC 132K-116-145 Fines and penalties. Section 28. The fines or penalties to be assessed for violation of these regulations shall be as follows:

(1) Parking violations. \$2.00 if the five school day requirement of section 27 [WAC 132K-116-140] is not met.

(2) Exceeding speed limit. Not less than \$5.00 or more than \$25.00 and/or loss of parking and driving privileges on campus for up to one year, and appearance before the college parking committee for appropriate disciplinary action.

(3) Any other violation of these regulations. Not less than \$2.00 or more than \$25.00 and/or loss of parking and driving privileges on campus for up to one year, and appearance before the college parking committee for appropriate disciplinary action.

[Order 31, § 132K-116-145, filed 9/17/76; Order 15, § 132K-116-145, filed 4/6/73; Order 13, § 132K-116-145, filed 2/20/73.]

WAC 132K-116-150 Mitigation and suspension of penalties. Section 29. Upon showing of good cause or mitigating circumstances, the college parking committee may impose any lesser fine or penalty than those established in section 28 and section 30 [WAC 132K-116-145 and 132K-116-155], or it may grant an extension of time within which to comply with its determination and sentence.

[Order 31, § 132K-116-150, filed 9/17/76; Order 15, § 132K-116-150, filed 4/6/73; Order 13, § 132K-116-150, filed 2/20/73.]

WAC 132K-116-155 Enforcement of determination of the parking committee. Section 30. In the event a student fails or refuses to comply with the determination of the college parking committee such alleged violator shall not be eligible to register for additional courses, or to obtain a transcript of his grades or credits, or to receive a degree; until he has paid or otherwise complied with the determination. Failure by employees to pay citations shall result in withholding of paychecks either for June or for the last month of an employment contract.

[Order 31, § 132K-116-155, filed 9/17/76; Order 13, § 132K-116-155, filed 2/20/73.]

WAC 132K-116-160 Regulatory signs, markings, barricades, etc. Section 31. The college parking office is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of the college. Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the college physical plant director will best effectuate the objectives stated in section 2 [WAC 132K-116-015].

No person without authorization from the college physical plant director shall move, deface, or in any way change a sign, barricade, structure, marking, or direction so placed, or previously placed, for the purpose of regulating traffic or parking.

[Order 31, § 132K-116-160, filed 9/17/76; Order 13, § 132K-116-160, filed 2/20/73.]

WAC 132K-116-165 Impounding of vehicles. Section 32. Any vehicles parked upon state land devoted mainly to the educational purposes of the college in violation of these regulations including the motor vehicle and other traffic laws of the state of Washington and the traffic code of Pierce County, Washington as incorporated in section 3 [WAC 132K-116-020] may be impounded and taken to such place for storage as the college selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

[Order 13, § 132K-116-165, filed 2/20/73.]

WAC 132K-116-170 Delegation of authority. Section 33. The authority and powers conferred upon the board of trustees, the president, the college dean of students, and the manager of business services by these regulations shall be subject to delegation by him to his subordinates.

[Order 13, § 132K-116-170, filed 2/20/73.]

WAC 132K-116-175 Liability of college. Section 34. The college assumes no liability under any circumstances for vehicles parked on campus. The college grants a license for use of a parking space to individuals desiring to park their vehicles on campus and who purchase a parking space or for those individuals described in section 17 [WAC 132K-116-090]. However, no bailment is created by the sale of a permit or for those individuals described in section 17 [WAC 132K-116-090].

[Order 15, § 132K-116-175, filed 4/6/73; Order 13, § 132K-116-175, filed 2/20/73.]

Chapter 132K-120 WAC

STUDENT PUBLICATIONS CODE OF THE ASSOCIATED STUDENTS OF PIERCE COLLEGE

WAC

132K-120-005 Preamble.

[Title 132K WAC—p 38]

132K-120-010 Student publications board.
 132K-120-015 Student government authority and responsibility.
 132K-120-020 College authority and responsibility.
 132K-120-025 Student publications board membership and rules.
 132K-120-030 Board meetings.
 132K-120-035 Board decisions.
 132K-120-040 Role of student publications.
 132K-120-045 Student publications board responsibilities.
 132K-120-050 Student publications board authority.
 132K-120-055 Faculty advisors.
 132K-120-060 Student editors-in-chief.
 132K-120-065 Budgets and fiscal affairs.
 132K-120-070 Creation of student publications.
 132K-120-075 Staff handbook.
 132K-120-080 Operational directives.
 132K-120-085 Amendment procedures.

WAC 132K-120-005 Preamble. The code of student rights and responsibilities provides for a student publications policy and publications board which protects the students' freedom to deal with any ideas and to express opinions in student publications without fear of censorship. At the same time, student editors and managers are charged with the corollary responsibility to be governed by the "canons of journalism." Therefore, the student publications code has been established and a student publications board has been created.

[Order 28, § 132K-120-005, filed 11/10/75.]

WAC 132K-120-010 Student publications board. The Pierce College student publications board is a body whose primary responsibility is the judicious enforcement of policy pertaining to student publications which has been adopted through the prescribed administrative channels. The board may instigate its own action or take action at the request of any individual or group. Its decisions shall be based solely upon the fair and impartial interpretation of the student publications code and pertinent statements of purpose or philosophy or codes of ethics for the publication involved in addition to information presented to the board in relation to the issue(s) under consideration. Although the deliberations of the board are not comparable to those of a court of law and legal procedures do not apply, it is the responsibility of the board to afford all aggrieved parties concerned the right of due process and a fair and impartial hearing.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-010, filed 7/11/86; Order 28, § 132K-120-010, filed 11/10/75.]

WAC 132K-120-015 Student government authority and responsibility. The student government shall exercise its authority and responsibility concerning student publications through its monetary appropriation powers and the ASPC president's appointment of student members of the student publications board. The student government, through its monetary appropriation powers, may at the end of the fiscal year, vote to discontinue publication of a student publication for the coming fiscal year. However, the student government is prohibited from arbitrary discontinuation of budgeted funds and consequent suspension or discontinuation of a student publication during a fiscal year.

[Statutory Authority: RCW 28B.50.140, 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-015, filed 7/11/86; Order 28, § 132K-120-015, filed 11/10/75.]

WAC 132K-120-020 College authority and responsibility. Legally, Pierce College is the publisher of all student publications. Therefore, all student publications come under the purview of the board of trustees and the college president who have the authority and responsibility to determine the broad policies and procedures which are to govern student publications. The authority and responsibility for promoting and enforcing those policies and procedures, except where specifically noted herein, has been delegated by the board of trustees and the college president to the student publications board through this student publications code.

[Statutory Authority: RCW 28B.50.140, 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-020, filed 7/11/86; Order 28, § 132K-120-020, filed 11/10/75.]

WAC 132K-120-025 Student publications board membership and rules. There shall be seven voting members, including:

(A) Four students to be selected as follows:

(1) Two students appointed by the outgoing student senate.

(2) Two students appointed by the incoming ASPC president.

(B) Three instructors or administrators to be selected as follows:

(1) One administrator to be appointed by the college president.

(2) Two instructors to be appointed by the faculty.

Ex officio (nonvoting) members shall include:

(A) The manager of student programs.

(B) The student editor-in-chief of each student publication.

(C) The faculty advisor to each student publication.

(D) A Pierce College alumnus (selected by the voting members of the student publications board).

(E) A professional journalist (selected by the voting members of the student publications board).

Terms of office for voting student publications board members shall commence at the beginning of summer quarter and expire at the end of the following spring quarter. Appointments will be made after the spring ASPC election but prior to the end of spring quarter. Student senate members and staff members of student publications may not be members of the student publications board. Student vacancies shall be filled by appointment by the ASPC president. Faculty or administrative vacancies shall be filled by the faculty or presidential appointment respectively.

The voting members shall elect from their ranks a chairman and designate a secretary to record minutes of the meetings. A meeting may be called by the chairman or any three voting members. A quorum shall be necessary to conduct business and shall consist of five voting members.

At the end of spring quarter, the minutes of all board meetings and other board records shall be transmitted to the board secretary selected for the next academic year.

[Statutory Authority: RCW 28B.50.140, 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-025, filed 7/11/86; Order 28, § 132K-120-025, filed 11/10/75.]

WAC 132K-120-030 Board meetings. The student publications board shall meet at least once during the first month of each quarter except during summer quarter. Meetings of the student publications board shall be open to all interested parties unless the board members determine that a closed session is necessary. Closed sessions shall be limited to confidential matters related to personnel problems. Official actions of the board may be taken only in open session.

[Order 28, § 132K-120-030, filed 11/10/75.]

WAC 132K-120-035 Board decisions. All decisions of the student publications board shall be made by a simple majority vote except in the case of permanent removal of a student editor-in-chief which requires a minimum of five votes in favor of such removal.

[Order 28, § 132K-120-035, filed 11/10/75.]

WAC 132K-120-040 Role of student publications. The role of student publications is to report the news and/or provide an outlet for student opinion and student creative effort. This shall be done while maintaining the highest standards of honesty, accuracy, and good taste.

[Order 28, § 132K-120-040, filed 11/10/75.]

WAC 132K-120-045 Student publications board responsibilities. The role of the student publications board is to do all within its power to foster at Pierce College an environment conducive to the maintenance, growth, and development of student publications of the highest quality. Responsibilities concomitant with this role include:

(A) Soliciting from the faculty advisor to each student publication recommendations for the appointment of the student editor-in-chief and making final appointment of the student editor-in-chief.

(B) Insuring that the "canons of journalism," as adopted by the American Society of Newspaper Editors and as they may be reasonably applied to all student publications, are actively practiced.

(C) Insuring that any statements of purpose or philosophy or codes of ethics as adopted by the student government and approved by the college president or his designee for a specific student publication are actively practiced.

(D) Providing constructive criticism to all students and college personnel involved in production of student publications.

(E) Establishing standards for student participation in the production of student publications.

(F) Providing for speedy and fair disposition or resolution of questions and complaints pertaining to student publications.

(G) Soliciting from the college community and forwarding to the appropriate personnel recommendations pertaining to policies, procedures, and practices concerning student publications.

(H) Soliciting from the faculty advisor and student editor-in-chief budget request recommendations and documentation, and approving a final request for each publication for admission to the ASPC budget sub-committee.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-045, filed 7/11/86; Order 28, § 132K-120-045, filed 11/10/75.]

WAC 132K-120-050 Student publications board authority. In order that the student publications board may fulfill its responsibilities, it is hereby granted the authority to temporarily suspend or permanently remove a student editor-in-chief and/or temporarily suspend publication of a student publication. The board shall have the authority to remove a student editor-in-chief either for incompetence or for violation of the statement of purpose or philosophy or code of ethics adopted for that publication or for violation of the provisions of the student publications code.

Specific charges against a student editor-in-chief must be presented in writing at an open board meeting (unless the editor-in-chief requests and the board agrees that the session be closed) before he may be either temporarily suspended or permanently removed from his position. An editor-in-chief may be temporarily suspended for a period not to exceed two weeks provided that:

(A) The editor-in-chief has been provided with a copy of the specific charges made against him.

(B) The editor-in-chief has requested additional time in which to prepare answers to the charges.

(C) The editor-in-chief has been unable to show sufficient cause why such temporary suspension should not be imposed.

(D) The board decides that the charges are sufficiently serious to warrant such temporary suspension.

An editor-in-chief may be permanently removed from his position for the remainder of his term of office only by a minimum of five votes in favor of such removal and following a two week temporary suspension period (unless the student editor-in-chief wishes to dispense with the temporary suspension period or does not wish to contest his own removal.)

The student publications board shall also have the authority to temporarily suspend publication of a student publication in conjunction with or separate from the temporary suspension or permanent removal of a student editor. Temporary suspension of a student publication should be undertaken only when deemed necessary to provide adequate time to rectify the problems associated with the publication. Such temporary suspension of publication shall be for a specified and reasonable period of time, not to exceed one quarter, as determined by the student publications board.

[Order 28, § 132K-120-050, filed 11/10/75.]

WAC 132K-120-055 Faculty advisors. A faculty advisor to each student publication shall be appointed by the college president or his designee. The faculty advisor shall be responsible for recommending to the student

publications board candidates for the position of student editor-in-chief of the publication. The faculty advisor is responsible for providing student editors and staff members with the professional guidance and leadership. The advisor is responsible to the manager of student programs for administering policies, practices, and procedures concerning student publications as recommended by the ASFSCC student government or manager of student programs and approved by the college president or his designee. The faculty advisor is responsible for representing the college and its policies and regulations to the student editor and staff members. He is expected to make every reasonable effort to insure full compliance with all such policies and regulations short of censorship.

At the same time, the advisor is responsible to the student editor and staff members for providing a working environment in which student publications may genuinely reflect student interests, needs, and opinion. Student concerns should be channeled through the advisor to the appropriate college authorities.

The faculty advisor is further responsible for the effective organization of the publication so that it fulfills its stated purpose(s). He is responsible for the preparation of a staff handbook and has budgetary authority and responsibility as outlined in the ASFSCC financial code.

The faculty advisor has the authority to determine the organizational structure of the publication as well as physical facilities and equipment such as he deems most beneficial to fulfilling adopted statement of purpose or philosophy or code of ethics for the publication. His authority includes those authorities traditionally afforded a classroom instructor, and his recommendations regarding editorial policy, content, layout, etc. are to be given serious consideration by student editors and staff members.

[Order 28, § 132K-120-055, filed 11/10/75.]

WAC 132K-120-060 Student editors-in-chief. Editors-in-chief of student publications shall have the authority to determine the content of the publications within the guidelines set by the statement of purpose or philosophy, or code of ethics for that publication and the provisions of this code. The editor-in-chief of a publication shall supervise the student staff members.

Concomitant with the authority given student editors-in-chief goes the responsibility for constant adherence to the highest journalistic, ethical, and moral standards which characterize responsible journalism. Failure to fulfill this responsibility shall be cause for the suspension or removal of an editor-in-chief. An editor-in-chief who disregards the recommendations of his faculty advisor in effect rejects professional guidance. Although disregard for an advisor's advice does not automatically constitute editorial incompetence, the editor-in-chief, nevertheless, has made a serious decision, and it follows that he assumes the risk of being found incompetent and subsequently suspended or removed by the student publications board.

[Order 28, § 132K-120-060, filed 11/10/75.]

WAC 132K-120-065 Budgets and fiscal affairs. Budget requests and expenditures for student publications shall be administered in accordance with the provisions of the ASPC financial code.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-065, filed 7/11/86; Order 28, 132K-120-065, filed 11/10/75.]

WAC 132K-120-070 Creation of student publications. A student publication may be created following the adoption of a statement of purpose or philosophy or code of ethics by the student government and approval by the college president or his designee and the appointment of a faculty advisor.

For the purposes of this code, student publications shall include any printed material:

(a) Written for and intended for distribution to the general student body.

(b) Funded in part or entirely through services and activities funds.

If the student publications board thinks that a certain publication should appropriately be classified as a student publication, and if that publication meets the two criteria mentioned at the beginning of this section, the student publications board may request that the student government adopt and the college president or his designee approve a statement of purpose or philosophy or code of ethics for that publication, thus placing it under the jurisdiction of this code and the student publications board.

[Order 28, § 132K-120-070, filed 11/10/75.]

WAC 132K-120-075 Staff handbook. The advisor to each student publication is responsible for preparation of a staff handbook which shall include: The adopted statement of purpose or philosophy or code of ethics, and outline of staff authority and responsibility, job descriptions, etc. Copies of the handbook shall be available to students and college personnel.

[Order 28, § 132K-120-075, filed 11/10/75.]

WAC 132K-120-080 Operational directives. The student publications board recognizes the fact that certain emergency situations might arise which are not covered by the student publications code or which occur at a time when it is impossible to convene the board. When such situations arise, the manager of student programs or his designee is hereby authorized to issue operational directives in the board's name in order to protect the integrity of the student publications code. Operational directives will be issued only when it is infeasible for the student publications board to act and will be temporary and subject to the automatic review of the student publications board which shall convene at its earliest opportunity.

[Order 28, § 132K-120-080, filed 11/10/75.]

WAC 132K-120-085 Amendment procedures. Proposed amendments to this code may be submitted to the ASPC student senate at any regularly scheduled meeting of the ASPC student senate. At the following regularly

scheduled meeting, the proposed amendment shall be read for the first time. The proposed amendment may be voted upon at any regularly scheduled meeting following the first reading only if the time elapsed between the first reading and voting does not exceed one month. Amendments will be certified as passed by the ASPC president when two-thirds of the ASPC student senate, sitting in quorum, vote in the affirmative. The proposed amendment will then be forwarded for final approval to the college president or his designee. Approved amendments shall be returned to the ASPC student senate for insertion into the official copy of the ASPC student publications code.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-120-085, filed 7/11/86; Order 28, § 132K-120-085, filed 11/10/75.]

Chapter 132K-122 WAC

STUDENTS RECORDS RELEASE POLICY

WAC

- 132K-122-010 General policy.
- 132K-122-020 Definitions.
- 132K-122-030 Type and location of education records.
- 132K-122-040 The right to inspect and view records.
- 132K-122-050 Limits on rights to review and inspect educational records.
- 132K-122-060 Hearing procedures.
- 132K-122-070 Disclosure of personally identifiable information contained in a student's education records.
- 132K-122-080 Prior consent to disclosure and waiver of student rights.
- 132K-122-090 Maintenance of records.
- 132K-122-100 Prevention of the disclosure of directory information.
- 132K-122-110 Fees for copies.
- 132K-122-120 Denial of copies of education records.
- 132K-122-130 Notice of rights.

WAC 132K-122-010 General policy. Pierce College desires to insure that information contained in the educational records of its students is treated responsibly with due regard for its personal nature, and for the students', college's, and the community's needs. This chapter implements this general policy and responds to the requirements of Public Law 93-380 (Family Educational Rights and Privacy Act of 1974).

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-010, filed 7/11/86; Order 37, § 132K-122-010, filed 9/2/77.]

WAC 132K-122-020 Definitions. For purposes of this chapter, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been in attendance at Pierce College with respect to whom Pierce College maintains educational records or other information personally-identifiable by name, identification number, or other means of recognition.

(2) The term "education records" means those records, files, documents, and other materials maintained by Pierce College which contain information directly related to the individual student. The term does not include:

(a) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker, thereof and which are not accessible to or revealed to any other person except a person appointed to replace or assume responsibilities of the originator of the records on a temporary basis;

(b) Records made and maintained in the normal course of business which relates exclusively to the person's capacity as an employee and which are not available for any other purposes: *Provided*, That this exception does not extend to records relating to individuals in attendance at Pierce College who are employed as a result of their status as a student;

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

(d) Records and/or documents of the Pierce College security office which are kept apart from the educational records and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction;

(e) Records which contain only information relating to a person after that person was no longer a student at Pierce College such as those dealing with activities of an alumni leaving Pierce College.

(3) The term "directory information" means the student's name, dates of attendance, and degrees received. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 132K-122-100.

(4) The term "personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; the address of the student; a personal identifier such as the student's social security number or student number; a list of personal characteristics which would make the student's identity easily traceable; telephone number; date of birth; academic/occupational intent; information for participants in officially recognized athletic events; or other information which would make the student's identity easily traceable.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-020, filed 7/11/86; Order 37, § 132K-122-020, filed 9/2/77.]

WAC 132K-122-030 Type and location of education records. Pierce College maintains, as student education records, records of the following general types: Academic, financial, counseling, personnel and placement records. For purposes of this chapter, these records

are under the control of the college registrar who is located in the administration building and whose telephone number is 552-3983.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-030, filed 7/11/86; Order 37, § 132K-122-030, filed 9/2/77.]

WAC 132K-122-040 The right to inspect and view records. (1) Pierce College students shall have the right to review and inspect their education records.

(2) A request by a student for a review of information contained in a student's education records should be made in writing to the Pierce College registrar who shall require presentation of proper identification including validation of identity by way of the student's identification card and/or signatures of the requesting student.

(3) The registrar must respond to a request for inspection and review of education records within a reasonable period of time but in no case more than 45 days after the request has been made.

(4) Pierce College shall respond within 30 days of receipt of a reasonable student request for explanation and interpretation of the student's education records provided that such requests are in writing and signed by the requesting student and specific as to the portion or portions of the education records thought to be interpreted and explained.

(5) After reviewing his or her records, a student may request an amendment of the records if the student believes them to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The college shall, within 30 days after receipt of a written request for correction or deletion of information contained in the records signed by the student and specific as to the information to be deleted or corrected, inform the student of whether the request is accepted or denied. If the request for correction or deletion of inaccurate or misleading or otherwise inappropriate data has been denied, the student may seek redress through the hearing procedures provided for below and may place a written statement of rebuttal in his or her records.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-040, filed 7/11/86; Order 37, § 132K-122-040, filed 9/2/77.]

WAC 132K-122-050 Limits on rights to review and inspect educational records. (1) There is no right to review and inspect a parent's confidential financial statements or records or any information contained therein;

(2) Confidential letters and confidential statements of recommendation shall be made available for inspection and review by the student except that:

(a) Inspection and review of such letters and statements placed in the education records prior to January 1, 1975, which were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality and which are used only for their specifically intended purposes shall not be permitted;

(b) Inspection and review of such letters and statements placed in the education records after January 1,

1975, shall not be permitted where the letters and statements relate to

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

and where the student has waived his or her rights to inspection or review of such letters and statements as provided for in WAC [132K-122-040].

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

(4) The registrar is the official custodian of academic records and therefore the only official who may issue the transcript of the student's official academic records or prepare other copies of student's records on file in the registrar's office.

(5) Student education records may be destroyed in accordance with routine retention schedules. In no case will any record which is requested by a student for review in accordance with WAC [132K-122-040] and [132K-122-090] be removed or destroyed prior to informing the student and if requested providing the student access.

[Order 37, § 132K-122-050, filed 9/2/77.]

WAC 132K-122-060 Hearing procedures. (1) A student whose request for amendment of his or her educational records has been denied may request a hearing by submitting a written request to the registrar within 10 days following the denial. The request shall be in writing, signed by the student, and shall indicate the reasons why the records should be amended. The registrar shall, within 30 days after receipt of a properly filed request, notify the student at least 10 days in advance of the date, time, and place of the hearing.

(2) The hearing shall be an informal proceeding as provided for by chapter 28B.19 RCW, the Higher Education Administrative Procedure Act and shall be conducted by the dean of students (or his designee who shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded an opportunity to present evidence relevant to the question of whether the educational records sought to be amended are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(3) At the hearing, the student may be assisted or represented by individuals of his or her choice and at his or her own expense.

(4) The dean of students or his designee shall, within 30 days after the conclusion of the hearing, prepare a final written decision on this request based solely upon the evidence presented at the hearing. The decision shall include a summary of the evidence and the reasons for the decision. A copy of the final decision shall be made available to the student.

(5) If, as a result of the hearing, the dean of students or his designee decides that the information alleged by the student to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student is

in fact so inaccurate, misleading, and violative, he or she shall amend the education records accordingly and so inform the student in writing. If, on the other hand, the dean of students or his designee decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, he or she shall inform the student of his or her right to place in the education records a statement commenting upon the information and/or setting forth any reasons for disagreeing with the decisions of the college. A rebuttal statement inserted into the education records shall become a permanent part of the records and it shall be provided to all persons to whom the information which is subject of the rebuttal is thereafter disclosed.

[Order 37, § 132K-122-060, filed 9/2/77.]

WAC 132K-122-070 Disclosure of personally identifiable information contained in a student's education records. (1) The college shall obtain written consent of a student prior to disclosing personally identifiable information other than directory information defined by this chapter from the student's education records: *Provided*, That consent shall not be required where the disclosure to the student himself or herself: *And provided further*, That consent shall not be required if the disclosure is

(a) To other officials and teachers within the college having a legitimate educational interest in the education records. For purposes of this section, a college official or teacher shall be said to have a legitimate educational interest whenever he or she

(i) Is acting pursuant to a lawfully established rule policy or procedure, or

(ii) Acting in the educational interest of the student, or

(iii) Requires disclosure in order to provide educational services to the student.

Those having a legitimate education interest shall include but not be limited to the following personnel when acting in their official capacity: The office of the registrar, the office of admissions, the office of financial aid, and the office of the controller.

(b) To officials of another school or school system which the student is enrolled or from which he or she receives educational services or a school or school system in which the student seeks or intends to enroll provided that the records have been requested by officials of the other school or another student.

(2) Following the disclosure of information pursuant to this section, the college shall:

(a) Provide the student upon request with a copy of any educational records which are transferred to another school.

(b) Provide the student upon request with an opportunity for hearing as provided for in WAC [132K-122-060].

(c) To authorized representatives of the Comptroller General of the United States Secretary of the United States Department of Health, Education, and Welfare; the Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for

Education, or state educational authorities, wherever access to the education records is necessary in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of or in compliance with the federal legal requirements which related to these programs.

(3) In connection with financial aid for which a student has applied or which a student has received: *Provided*, That personally identifiable information from the education records of the student may be disclosed under this section only as may be necessary for such purposes as

(a) To determine the eligibility of the student for financial aid;

(b) To determine the amount of financial aid;

(c) To determine the conditions which will be imposed regarding the financial aid;

(d) To enforce the terms or conditions of the financial aid.

(4) To certain state and local agencies to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

(5) To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing validating or administering predictive tests, administering student aid programs and improving instruction.

(6) To accrediting organization in order to carry out their accrediting function.

(7) To the parents of a dependent student as defined by section 152 of the Internal Revenue Code of 1954.

(8) To comply with the judicial order or lawfully issued subpoena.

(9) To appropriate parties in connection with a health or safety emergency where knowledge of the information is necessary to protect the health or safety of the student or other individuals.

[Order 37, § 132K-122-070, filed 9/2/77.]

WAC 132K-122-080 Prior consent to disclosure and waiver of student rights. (1) The written consent required in WAC 132K-122-070 above shall be signed and dated by the student and shall include:

(a) A specification of the records to be disclosed;

(b) The purpose or purposes of the disclosure;

(c) The party or class of parties to whom the disclosure may be made.

(2) A student may waive any of his or her rights under this chapter by submitting a written, signed and dated waiver to the officer of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver shall continue in effect according to its terms unless revoked in writing which is signed and dated.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-080, filed 7/11/86; Order 37, § 132K-122-080, filed 9/2/77.]

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WAC 132K-122-090 Maintenance of records. A record of requests for and disclosures of personally identifiable information shall be maintained in the education records of each student. Records maintained under this section shall be available for inspection and review as provided in WAC [132K-122-040].

[Order 37, § 132K-122-090, filed 9/2/77.]

WAC 132K-122-100 Prevention of the disclosure of directory information. A student may refuse to permit the disclosure of directory information as defined by WAC 132K-122-020(3) by filing a request to prevent disclosure of directory information with the office of the registrar by the end of the third week of the fall quarter of each academic year. A separate request to prevent disclosure of directory information must be filed for each academic year.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-100, filed 7/11/86; Order 37, § 132K-122-100, filed 9/2/77.]

WAC 132K-122-110 Fees for copies. Copies of student records shall be made at the expense of the requesting party at prevailing rates not to exceed \$1.00 per page.

[Order 37, § 132K-122-110, filed 9/2/77.]

WAC 132K-122-120 Denial of copies of education records. Pierce College reserves the right to deny a request for a copy of all or any portion of the student education records where the student is indebted to the institution for an outstanding or overdue debt.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-120, filed 7/11/86; Order 37, § 132K-122-120, filed 9/2/77.]

WAC 132K-122-130 Notice of rights. In order to insure that Pierce College students are fully apprised of their rights under this chapter, the college shall at the beginning of each academic year make available upon request to each student during the registration process a copy of this chapter. In addition, the college shall post at conspicuous places on the campus information the students of the existence of this chapter and of the availability of copies.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-130, filed 7/11/86; Order 37, § 132K-122-130, filed 9/2/77.]

Chapter 132K-276 WAC

PUBLIC RECORDS

WAC

132K-276-010 Purpose.

132K-276-020 Definitions.

132K-276-030 Description of central and field organization of Community College District No. 11.

132K-276-040 Operations and procedures.

132K-276-050 Public records available.

132K-276-060 Public records officer.

132K-276-070 Office hours.

132K-276-080 Requests for public records.

132K-276-090 Copying.
 132K-276-100 Exemptions.
 132K-276-110 Review of denials of public records requests.
 132K-276-120 Protection of public records.
 132K-276-130 Records index.
 132K-276-140 Adoption of form.
 132K-276-990 Appendix A—Request for public records.

WAC 132K-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Community College District No. 11 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 – 32 of that act, dealing with public records.

[Order 18, § 132K-276-010, filed 5/11/73.]

WAC 132K-276-020 Definitions. (1) PUBLIC RECORDS. "Public record" includes any writing containing information relating to the conduct of governmental 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. 11. The Community College District No. 11 is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. 11 shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the staff and board of trustees employees of the district.

[Order 18, § 132K-276-020, filed 5/11/73.]

WAC 132K-276-030 Description of central and field organization of Community College District No. 11. District No. 11 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Community College District No. 11, 9404 East 112th Street, Puyallup, Washington 98371.

[Order 18, § 132K-276-030, filed 5/11/73.]

WAC 132K-276-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The 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 second Wednesday of each month at 12:30 p.m. in the district office board room of Community College District No. 11, unless public notice is given of a different time and location. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

(1990 Ed.)

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-276-040, filed 7/11/86; Order 18, § 132K-276-040, filed 5/11/73.]

WAC 132K-276-050 Public records available. All public records of the district, as defined in WAC 132K-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132K-276-100.

[Order 18, § 132K-276-050, filed 5/11/73.]

WAC 132K-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 18, § 132K-276-060, filed 5/11/73.]

WAC 132K-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 18, § 132K-276-070, filed 5/11/73.]

WAC 132K-276-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records 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.

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(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 18, § 132K-276-080, filed 5/11/73.]

WAC 132K-276-090 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 18, § 132K-276-090, filed 5/11/73.]

WAC 132K-276-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132K-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public records, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing. (See also, board of trustees Resolution No. 72-32, 7-10-72)

(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 18, § 132K-276-100, filed 5/11/73.]

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

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

any case, the request shall be returned with a final decision, within two business days following the original denial.

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

[Order 18, § 132K-276-110, filed 5/11/73.]

WAC 132K-276-120 Protection of public records. Requests for public records shall be made in the Community College District No. 11 Administration Office, 9404 East 112th Street, Puyallup, Washington. 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 Community College District No. 11 offices. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132K-276-090.

[Order 18, § 132K-276-120, filed 5/11/73.]

WAC 132K-276-130 Records index. (1) INDEX. The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.

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

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

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

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

"(e) Factual staff reports and studies, factual 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; and

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

(2) AVAILABILITY. The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 18, § 132K-276-130, filed 5/11/73.]

WAC 132K-276-140 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form

attached hereto as Appendix A, entitled "request for public record."

[Order 18, § 132K-276-140, filed 5/11/73.]

WAC 132K-276-990 Appendix A--Request for public records.

Appendix "A"

Request for public record to Community College District No. 11

(a) Signature Signature (Please Print)

Name of Organization, if Applicable

Mailing Address of Applicant Phone Number

(b) Date request made at Community College District No. 11 Time of Day 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. 11's Current Index

Request: Approved Date By Public Records Officer

Denied Date

Reasons for Denial:

Referred to Date

By Public Records Officer

[Order 18, Appendix A (codified as WAC 132K-276-990), filed 5/11/73.]

Chapter 132K-300 WAC

NOTICE OF INTENT TO WITHHOLD SERVICES AND/OR OFFSET WAGES FOR OUTSTANDING DEBTS COMMUNITY COLLEGE DISTRICT NO. 11 PIERCE COLLEGE

- WAC 132K-300-010 Policy. 132K-300-020 Notification. 132K-300-030 Informal hearing notification. 132K-300-040 Procedure for informal hearing.

WAC 132K-300-010 Policy. If any person, including faculty, staff, student, or former student, be indebted to the institution for an outstanding overdue debt, the institution shall not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by any such person. Further, if the person is an employee of the institution, the institution shall have the right to offset such outstanding debts against wages owed to the employee.

[Statutory Authority: RCW 28B.50.140. 79-10-044 (Order 39), § 132K-300-010, filed 9/13/79.]

WAC 132K-300-020 Notification. Upon receipt of such a request for services where there is an outstanding debt due the institution from that person, the institution shall notify the person by registered mail addressed to his last known mailing address, that the services will not be provided since there is an outstanding debt due the institution and, further, that until that debt is paid in full or arrangements are made to pay the debt over time, no such services as are requested will be provided the individual. If the outstanding debt is due the institution from an employee, the institution shall notify the employee by registered mail addressed to his last known address of the debt owed to the institution, the basis of the debt, and the intent to offset it against the wages or other payments due the employee.

[Statutory Authority: RCW 28B.50.140. 79-10-044 (Order 39), § 132K-300-020, filed 9/13/79.]

WAC 132K-300-030 Informal hearing notification. The letter of notification contained in WAC 132K-300-020 shall also notify the individual that he has a right to a hearing before the dean of administrative services or a person designated by the president of the institution for the purpose of determining whether the individual is in fact indebted to the institution as alleged in the notice of intent to withhold services and/or offset wages for outstanding debts. The letter shall also indicate that the request for the hearing must be made within twenty days from the date of receipt of said letter.

[Statutory Authority: RCW 28B.50.140. 79-10-044 (Order 39), § 132K-300-030, filed 9/13/79.]

WAC 132K-300-040 Procedure for informal hearing. Upon receipt of a timely request for a hearing, the dean of administrative services or the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the institution is correct in withholding services and/or wages for outstanding debt, and if the outstanding debt is in fact owed by the individual involved, no services shall be provided and, if an employee, the debt will be offset against wages owed to the individual. Notification of this shall be sent to the individual within five days after the hearing. Said decision shall constitute

an informal proceeding established by the institution pursuant to the Higher Education Administrative Procedure Act as defined in RCW 28B.19.110.

[Statutory Authority: RCW 28B.50.140. 79-10-044 (Order 39), § 132K-300-040, filed 9/13/79.]

**Chapter 132K-995 WAC
APPENDIX--POLICIES AND PROCEDURES
MANUAL**

WAC

132K-995-990 Appendix--Community College Act of 1967--Definitions and districts. Pierce College.

Reviser's note: (1) Fort Steilacoom Community College has been renamed Pierce College. See chapter 28B.50 RCW.

(2) The excerpts of the Community College Act of 1967 (chapter 8, Laws of 1967 ex. sess.) as set forth in this chapter, do not reflect certain amendments enacted by the state legislature subsequent to the filing of this chapter with the code reviser. For current law, see chapter 28B.50 RCW.

WAC 132K-995-990 Appendix--Community College Act of 1967--Definitions and districts. Pierce College.

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Community College Act of 1967	
Definitions & Districts	

NEW SECTION. Section 3. As used in this act, unless the context requires otherwise, the term:

(2) "College board" shall mean the state board for community college education created by this act;

(4) "District" shall mean any one of the community college districts created by this act;

(5) "Board of Trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education.

NEW SECTION. Section 4. The state of Washington is hereby divided into twenty-two community college districts as follows:

(11) The eleventh district shall encompass all of Pierce County, except for the present boundaries of the common school districts of Tacoma and Peninsula;

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Board of Trustees	
Community College Act of 1967	
Establishing & Organizing District Boards	

NEW SECTION. Section 10. There is hereby created a community college board of trustees for each community college district as set forth in this act. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor from a list of nominees submitted by the nominating committee in accordance with section 11 of this act.

The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter, until July 1, 1969, the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

Every trustee shall be a resident and qualified elector of his community college district. No trustee may serve as a member of the board of directors of any school district, or as an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

NEW SECTION. Section 11. In each community college district of the state there is hereby created a nominating committee to select no less than five nominees for consideration by the governor for the initial trustees. The nominating committee shall be composed of each member of the state legislature residing within the boundaries of the community college district to be served.

The senior legislator on each committee shall serve as chairman of the committee and shall call the meeting at some conveniently located place and shall set the time of the meeting.

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Section 11. (cont'd) The members of the nominating committee shall be entitled to per diem and expenses as provided in RCW 44.04.120 and such payments shall be a proper charge to the college board.

NEW SECTION. Section 12. Within forty-five days after the effective date of this act, each nominating committee shall submit a list of no less than five nominees, who shall be residents of the community college district, to the governor for selection of the community college district board of trustees for that district. In preparing the list of names to be submitted to the governor, the members of the committee shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture and the professions. In the event that the nominating committee from any district fails to submit a list of nominees to the governor by the prescribed date, he shall appoint the trustees for that district from registered voters residing within that district, observing the same considerations as prescribed for the committee in making its nominations.

NEW SECTION. Section 13. Within thirty days of their appointment or July 1, 1967, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this 1967 act as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the community college district shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The first order of business after organization shall be to prepare for the orderly assumption of the duties and responsibilities of the administration and management of the community college district and the facilities thereof. The district boards shall transmit a report in writing to the college board before October 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the district boards, such other information as it may deem necessary or useful, and any other additional information which may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

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Board of Trustees
Community College Act of 1967
Powers & Duties of the Board of Trustees

NEW SECTION. Section 14. Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of section 9(3) of this act;

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand.

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, issue and sell revenue bonds for the construction, reconstruction, erection, equipping with permanent fixtures, (demolition and major alteration of buildings or other capital assets,) and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28.76.180 through 28.76.210 [RCW 28B.10.300-28B.10.330] where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

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Board of Trustees
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(b) Employ necessary employees to govern, manage and operate the same.

(8) May receive such gifts, grants, conveyances, devises and bequests of personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt

regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: Provided, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships and discipline: *Provided further*, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

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Board of Trustees
Community College Act of 1967
Powers & Duties of the Board of Trustees

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this act. Such delegated powers any duties may be exercised in the name of the district board.

(15) May perform such other activities consistent with this act and not in conflict with the directives of the college board; and

(16) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Section 15. Any resident of the state may enroll in any program or course maintained or conducted by a community college district upon the same

terms and conditions regardless of the district of his residence.

[Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-995-990, filed 7/11/86; Appendix (codified as WAC 132K-995-990), filed 9/20/67.]