

# Title 132U WAC

## COMMUNITY COLLEGES--WHATCOM COMMUNITY COLLEGE

### Chapters

- 132U-03**     **Organization.**
- 132U-52**     **Health and safety.**
- 132U-104**    **Board of trustees--Bylaws--Meetings.**
- 132U-108**    **Procedure.**
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- 132U-276**    **Access to public records and documents at  
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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

#### Chapter 132U-04

#### BOARD OF TRUSTEES--BYLAWS

- 132U-04-040    Meetings of the board of trustees. [Order 74-4, § 132U-04-040, filed 10/16/74; Order 72-1, § 132U-04-040, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-060    Records of board action. [Order 74-4, § 132U-04-060, filed 10/16/74; Order 72-1, § 132U-04-060, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-070    Officers of the board. [Order 74-4, § 132U-04-070, filed 10/16/74; Order 72-1, § 132U-04-070, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-080    Official seal. [Order 74-4, § 132U-04-080, filed 10/16/74; Order 72-1, § 132U-04-080, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.
- 132U-04-100    Bylaws. [Order 74-4, § 132U-04-100, filed 10/16/74; Order 72-1, § 132U-04-100, filed 11/29/72.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-04-110    Restrictions of individual authority. [Order 74-4, § 132U-04-110, filed 10/16/74; Order 72-1, § 132U-04-110, filed 11/29/72.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

#### Chapter 132U-10

#### ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

- 132U-10-010    Introduction. [Order 72-1, § 132U-10-010, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-020    Jurisdiction. [Order 72-1, § 132U-10-020, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-030    Designation of custodians of records. [Order 72-1, § 132U-10-030, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.

- 132U-10-040    Declaration of what constitutes public records. [Order 72-1, § 132U-10-040, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-050    Nonpublic records. [Order 72-1, § 132U-10-050, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-060    Regulations regarding access to public records. [Order 72-1, § 132U-10-060, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-070    Violations of limitations upon access to public records. [Order 72-1, § 132U-10-070, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.
- 132U-10-100    Purpose. [Order 73-4, § 132U-10-100, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-110    Definitions. [Order 73-4, § 132U-10-110, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-120    Description of organization. [Order 73-4, § 132U-10-120, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-130    Operations and procedures. [Order 73-4, § 132U-10-130, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-140    Substantive rules and policies of general applicability. [Order 73-4, § 132U-10-140, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-150    Public records available. [Order 73-4, § 132U-10-150, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-160    Public records officer. [Order 73-4, § 132U-10-160, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-170    Office hours. [Order 73-4, § 132U-10-170, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-180    Requests for public records. [Order 73-4, § 132U-10-180, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-190    Copying. [Order 73-4, § 132U-10-190, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-200    Determination regarding exempt records. [Order 73-4, § 132U-10-200, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-210    Review of denials of public record requests. [Order 73-4, § 132U-10-210, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-220    Protection of public records. [Order 73-4, § 132U-10-220, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

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- 132U-10-230 Records index. [Order 73-4, § 132U-10-230, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-10-240 Adoption of form. [Order 73-4, § 132U-10-240, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-12****BOARD OF TRUSTEES--BYLAWS**

- 132U-12-010 Promulgation. [Order 70-1, § 132U-12-010, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-020 The board of trustees. [Order 70-1, § 132U-12-020, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-030 Office of board. [Order 70-1, § 132U-12-030, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-040 Meetings of the board of trustees. [Order 70-1, § 132U-12-040, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-050 Order of agenda. [Order 70-1, § 132U-12-050, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-060 Records of board action. [Order 70-1, § 132U-12-060, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-070 Officers of the board. [Order 70-1, § 132U-12-070, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-080 Official seal. [Order 70-1, § 132U-12-080, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-090 Committees. [Order 70-1, § 132U-12-090, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-100 Amendment of bylaws. [Order 70-1, § 132U-12-100, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-110 Restrictions of individual authority. [Order 70-1, § 132U-12-110, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.
- 132U-12-120 Effective date. [Order 70-1, § 132U-12-120, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

**Chapter 132U-36****ENVIRONMENTAL POLICY ACT RULES**

- 132U-36-010 Implementation of State Environmental Policy Act. [Order 76-5, § 132U-36-010, filed 10/19/76.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-40****GRIEVANCE RULES**

- 132U-40-010 Purpose. [Order 74-7, § 132U-40-010, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-020 Definitions. [Order 76-3, § 132U-40-020, filed 7/16/76; Order 74-7, § 132U-40-020, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-030 Time limitations. [Order 74-7, § 132U-40-030, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-040 Confidentiality. [Order 74-7, § 132U-40-040, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-050 Reprisal. [Order 74-7, § 132U-40-050, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

- 132U-40-060 Procedures not to apply to certain types of grievances. [Order 76-3, § 132U-40-060, filed 7/16/76; Order 74-7, § 132U-40-060, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-070 Advocates. [Order 74-7, § 132U-40-070, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-080 Initiation of grievance. [Order 74-7, § 132U-40-080, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-090 Written statement of grievance to immediate supervisor. [Order 74-7, § 132U-40-090, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-100 Written statement of grievance to immediate supervisor's supervisor. [Order 74-7, § 132U-40-100, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-110 Written statement of grievance to president. [Order 74-7, § 132U-40-110, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-120 President as aggrieved party or causing party. [Order 74-7, § 132U-40-120, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-130 Grievance review committee. [Order 74-7, § 132U-40-130, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-40-140 Arbitration. [Order 74-7, § 132U-40-140, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-60****ADMISSIONS AND REGISTRATION**

- 132U-60-001 Catalog. [Order 72-1, § 132U-60-001, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-002 Changes in catalog. [Order 72-1, § 132U-60-002, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-003 Finances. [Order 72-1, § 132U-60-003, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-004 Refund of tuition and fees. [Order 72-1, § 132U-60-004, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-005 Residency classification. [Order 72-1, § 132U-60-005, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-006 Sanctions. [Order 72-1, § 132U-60-006, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-007 Admission. [Order 72-1, § 132U-60-007, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-008 Admission of special students. [Order 72-1, § 132U-60-008, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-009 Admission of high school students. [Order 72-1, § 132U-60-009, filed 11/29/72.] Repealed by 79-05-

- 038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-010 Registration. [Order 72-1, § 132U-60-010, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-011 Withdrawal. [Order 72-1, § 132U-60-011, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- 132U-60-012 Graduation. [Order 72-1, § 132U-60-012, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.
- Chapter 132U-80**  
**FACULTY EMPLOYMENT**
- 132U-80-010 Purpose. [Order 74-8, § 132U-80-010, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-020 Definitions. [Order 76-5, § 132U-80-020, filed 10/19/76; Order 74-8, § 132U-80-020, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-030 Written agreement. [Order 74-8, § 132U-80-030, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-040 Salary and assignment points for probationary employees. [Order 74-8, § 132U-80-040, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.
- 132U-80-050 Salary and assignment points for permanent faculty employees. [Order 74-8, § 132U-80-050, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.
- 132U-80-060 Standing review committee. [Order 74-8, § 132U-80-060, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-065 Standing review committee—Purpose and responsibility. [Order 74-8, § 132U-80-065, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-070 Standing review committee—Procedures and criteria. [Order 74-8, § 132U-80-070, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-080 Standing review committee—Recommendation not to renew probationary appointment. [Order 74-8, § 132U-80-080, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-090 Nonrenewal of probationary appointment. [Order 74-8, § 132U-80-090, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-100 Individual review committee. [Order 74-8, § 132U-80-100, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-105 Individual review committee—Purpose. [Order 74-8, § 132U-80-105, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-110 Individual review committee—Procedures and criteria. [Order 74-8, § 132U-80-110, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-115 Individual review committee—Ongoing evaluation. [Order 74-8, § 132U-80-115, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88.
- 132U-80-125 Decision to award or withhold permanent status. [Order 76-5, § 132U-80-125, filed 10/19/76; Order 74-8, § 132U-80-125, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-200 Dismissal of faculty. [Order 74-8, § 132U-80-200, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-205 Sufficient cause. [Order 74-8, § 132U-80-205, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-210 Dismissal review committee. [Order 74-8, § 132U-80-210, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-220 Initiation of dismissal proceedings. [Order 74-8, § 132U-80-220, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-230 Hearings. [Order 74-8, § 132U-80-230, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-235 Neutral hearing officer. [Order 74-8, § 132U-80-235, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-240 Written recommendation by review committee. [Order 74-8, § 132U-80-240, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-245 Decision by board of trustees. [Order 74-8, § 132U-80-245, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-250 Suspension. [Order 74-8, § 132U-80-250, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-255 Records. [Order 74-8, § 132U-80-255, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-265 Appeal. [Order 74-8, § 132U-80-265, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-300 Reduction in force procedures. [Order 76-3, § 132U-80-300, filed 7/16/76; Order 74-5, § 132U-80-300, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-310 Determination that reduction in force is necessary. [Order 76-3, § 132U-80-310, filed 7/16/76; Order 74-5, § 132U-80-310, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-320 Reduction in academic employees. [Order 74-5, § 132U-80-320, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-330 Selection of necessary course offerings and/or other services. [Order 74-5, § 132U-80-330, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-340 Order of layoff. [Order 76-5, § 132U-80-340, filed 10/19/76; Order 74-5, § 132U-80-340, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

## Title 132U WAC

## Title 132U WAC: Whatcom Community College

- 132U-80-350 Determination of employee capabilities or qualifications. [Order 74-5, § 132U-80-350, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-360 Notice of layoff. [Order 74-5, § 132U-80-360, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-80-370 Reemployment. [Order 74-5, § 132U-80-370, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

### Chapter 132U-03 WAC ORGANIZATION

#### WAC

- 132U-03-010 Purpose.  
132U-03-020 Organization—Operation—Information.  
132U-03-030 Rules coordinator.

**WAC 132U-03-010 Purpose.** The purpose of this chapter is to establish rules implementing RCW 34.05-.220 (1)(b) and 42.17.250 (1)(a) and (b).

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-03-010, filed 2/15/90, effective 3/18/90.]

**WAC 132U-03-020 Organization--Operation--Information.** (1) Organization. Whatcom Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of Whatcom Community College is at the following address:

237 West Kellogg Road  
Bellingham, Washington 98226

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

245 Marine Drive  
Blaine, Washington 98230

1600 Grover Street  
Lynden, Washington 98264

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Admissions Office  
Whatcom Community College  
237 West Kellogg Road  
Bellingham, Washington 98226

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-03-020, filed 2/15/90, effective 3/18/90.]

**WAC 132U-03-030 Rules coordinator.** The rules coordinator for this institution shall have an office located at the office of the president, with the following mailing address:

Office of the President  
Whatcom Community College  
237 West Kellogg Road  
Bellingham, WA 98226

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-03-030, filed 2/15/90, effective 3/18/90.]

### Chapter 132U-52 WAC HEALTH AND SAFETY

#### WAC

- 132U-52-010 Control of dogs.

**WAC 132U-52-010 Control of dogs.** Dogs are not permitted in Whatcom Community College buildings or on college property except when they are, (1) seeing-eye dogs, (2) dogs trained for assisting the hearing impaired under immediate control of their owners, or (3) dogs authorized by the dean of instruction for educational purposes.

(Statutory authority: RCW 28B.50.140(10))

[Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-52-010, filed 3/15/88.]

### Chapter 132U-104 WAC BOARD OF TRUSTEES--BYLAWS--MEETINGS

#### WAC

- 132U-104-010 Bylaws.  
132U-104-020 Restrictions of individual authority—Quorum.  
132U-104-030 Meetings of the board of trustees.

**WAC 132U-104-010 Bylaws.** The board of trustees may adopt bylaws to govern its operations. A record of these bylaws shall be maintained in the office of the president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-104-010, filed 7/8/88.]

**WAC 132U-104-020 Restrictions of individual authority--Quorum.** (1) Legal authority is vested in the board of trustees and may be exercised only by formal action of the board taken in a regular or special meeting. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

(2) Three members shall constitute a quorum, and no action may be taken with less than a quorum present.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-104-020, filed 7/8/88.]

**WAC 132U-104-030 Meetings of the board of trustees.** The board customarily holds monthly meetings on the second Tuesday of each month at such place as it

may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of chapter 42.30 RCW Open Public Meetings Act.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-104-030, filed 7/8/88.]

**Chapter 132U-108 WAC  
PROCEDURE**

WAC

- 132U-108-010 Rules of procedure.
- 132U-108-020 Brief adjudicative procedure.
- 132U-108-021 Presiding officer.
- 132U-108-030 Adjudicative proceedings open.

**WAC 132U-108-010 Rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-108-010, filed 2/15/90, effective 3/18/90.]

**WAC 132U-108-020 Brief adjudicative procedure.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings in which the proposed penalty is less than dismissal.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-108-020, filed 2/15/90, effective 3/18/90.]

**WAC 132U-108-021 Presiding officer.** This rule is adopted in accordance with RCW 34.05.425. The presiding officer in an administrative hearing for this institution shall be an adjudicative law judge or an attorney in good standing with the Washington State Bar Association, and designated by the president.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-108-021, filed 2/15/90, effective 3/18/90.]

**WAC 132U-108-030 Adjudicative proceedings open.** Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public; and faculty and administrative exempt disciplinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-108-030, filed 2/15/90, effective 3/18/90.]

**Chapter 132U-116 WAC  
PARKING AND TRAFFIC REGULATIONS**

WAC

- 132U-116-010 Authority.
- 132U-116-020 Purpose.
- 132U-116-030 Parking and traffic regulations.

**WAC 132U-116-010 Authority.** Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Whatcom Community College hereby establishes rules and regulations for vehicular parking on property owned, operated or maintained by the college district.

[Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-010, filed 3/15/88.]

**WAC 132U-116-020 Purpose.** The rules and regulations contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic on property owned, operated and maintained by the college district.
  - (2) To assure access for emergency traffic.
  - (3) To facilitate the operation of the college by assuring access for vehicles.
  - (4) To regulate the use of parking spaces.
- (Statutory authority: RCW 28B.50.140(10))

[Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-020, filed 3/15/88.]

**WAC 132U-116-030 Parking and traffic regulations.** (1) All students, faculty members and staff at Whatcom Community College may be issued parking permits upon registration or employment with the college may be required to display those permits on their vehicles in a prominent place.

(2) People who come upon the campus as guests, and people who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher education may park in the campus visitor parking lot.

(3) Students, faculty, staff and visitors shall obey any signs or painted instructions regarding parking regulations on the campus.

(4) The college reserves the right to have towed from the college premises any abandoned vehicle, any vehicle blocking a fire lane, any vehicle parked in a handicapped parking space without the appropriate permit, or any vehicle parked outside of designated parking spaces, or otherwise in violation of college parking and traffic regulations.

(5) Cars left in excess of 48 hours will be considered abandoned and may be towed at the expense of the owner.

(6) A student's failure to abide by these regulations shall constitute a conduct violation, subjecting the student to fines as authorized by the board of trustees or to discipline under Chapter 132U-120 WAC.

(7) Faculty, administration or staff members who fail to abide by these regulations shall be subject to discipline under the system appropriate to the employee's status and classification.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-116-030, filed 2/15/90, effective 3/18/90. Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-030, filed 3/15/88.]

### Chapter 132U-120 WAC

#### STUDENT RIGHTS AND RESPONSIBILITIES

##### WAC

132U-120-010	Title.
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132U-120-060	Trespass.
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132U-120-080	Disciplinary action.
132U-120-090	Initial disciplinary proceedings.
132U-120-100	Appeals—Generally.
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132U-120-260	Student grievances.
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132U-120-300	Final decision regarding student grievances.
132U-120-310	Nature of grievance proceedings.
132U-120-320	Withdrawal of grievance.
132U-120-330	Administrative, faculty and staff grievances.

**WAC 132U-120-010 Title.** This chapter shall be known as the code of student rights and responsibilities of Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-010, filed 7/8/88.]

**WAC 132U-120-020 Definitions.** As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty.

(2) "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

(3) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain

publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

(4) "ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

(5) "Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

(6) "President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

(7) "College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

(8) "College facilities" shall mean and include any and all personal property and real property including all buildings and appurtenances affixed thereon or attached thereto district-wide.

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

(10) "Disciplinary action" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean or the president issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

(11) "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) "Faculty" shall mean any full-time or part-time academic employee of the district whose assignment is one of a combination of instruction, counseling or library services.

(13) "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college.

(15) "Petition review committee" shall mean the judicial body provided in this chapter.

(16) "Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-020, filed 7/8/88.]

**WAC 132U-120-030 Jurisdiction.** (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity which is held on or in non-college facilities.

(2) Faculty members, other college employees, students, and members of the public who breach or aid or

abet another in the breach of any provision of this chapter shall be subject to (a) possible prosecution under the state criminal law; (b) any other civil or criminal remedies available to the public; or (c) appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

(3) Statutory authority of the Revised Code of Washington cited in this document is on file and available in the administrative office.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-030, filed 7/8/88.]

**WAC 132U-120-040 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the administrative office.

(4) Off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-040, filed 7/8/88.]

**WAC 132U-120-050 Student responsibilities.** Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020, interferes with the personal rights or privileges of others or the educational process of the college; violates any

provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(1) Personal offenses.

(a) Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructor's instructions, thereby infringing upon the rights and privileges of other students.

(d) Illegal assembly, obstruction or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(2) Property offenses.

(a) Theft and robbery. Theft of the property of the district or of another as defined in the RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended.

(b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(c) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

(3) Status offenses.

(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(c) Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification

(e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) **Illegal entry.** Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) **Smoking.** Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.

(f) **Controlled substances.** Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) **Alcoholic beverages.** Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

(h) **Weapons, explosives, and dangerous chemicals.** Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-050, filed 7/8/88.]

**WAC 132U-120-060 Trespass.** The president or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-060, filed 7/8/88.]

**WAC 132U-120-070 Delegation of disciplinary authority.** The president or his or her designee(s) shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the person conducting those proceedings, or his or her designee(s).

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-070, filed 7/8/88.]

**WAC 132U-120-080 Disciplinary action.** The following disciplinary actions are hereby established and

shall be imposed upon violators of the rules of conduct enumerated in this chapter, and pursuant to the right of appeal as outlined in this chapter.

(1) **Disciplinary warning.** Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) **Disciplinary reprimand.** Formal action censuring a student for violating the rules of conduct as outlined in 132U-120-050. Reprimands shall be made in writing to the student by the president, or his or her designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) **Disciplinary probation.** Formal action by the president or his or her designee(s) placing conditions upon the student's continued attendance for violation of WAC 132U-120-050. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) **Limited dismissal.** Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) **Expulsion.** Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-080, filed 7/8/88.]

**WAC 132U-120-090 Initial disciplinary proceedings.** (1) All disciplinary proceedings will be initiated by the appropriate dean or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132U-120-190 and 132U-120-200.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the appropriate dean or his or her designated representative. The student will be informed of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range



of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean may take any of the following actions: (a) Terminate the proceeding, exonerating the student or students; (b) dismiss the case after whatever counseling and advice the dean deems appropriate; (c) impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter; (d) impose additional sanctions of reprimand, probation, limited dismissal or expulsion, subject to the student's right of appeal as provided in the following provisions.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-090, filed 7/8/88.]

**WAC 132U-120-100 Appeals--Generally.** (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean or his or her designee(s) may be appealed to the petition review committee, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the petition review committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean and the petition review committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions: (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and (b) the appeal must be filed within ten working days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the assistant to the president. Written decisions shall include the signature of the petition review committee chairperson. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-100, filed 7/8/88.]

**WAC 132U-120-110 Composition and structure of the petition review committee.** (1) The petition review committee shall be composed of a chairperson and four members. The chairperson shall be that dean who did not handle the initial disciplinary proceedings and the members shall be chosen as follows:

(a) Two members shall be students in good academic standing appointed by the ASWCC president for a one-year term; and

(b) One member shall be a faculty member appointed by the president of the college for a three-year term; and

(c) One member shall be an administrator appointed by the president for a two-year term.

(d) Members of the petition review committee shall be chosen by no later than October 15 of each academic year.

(e) Petition review committee members shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the petition review committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

(3) The chairperson shall preside over all proceedings in cases relating to student violation of the rules of conduct established by this chapter. He or she shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing. The chairperson shall be responsible for (a) maintaining a record of the proceedings, (b) drafting findings of fact, conclusions of law and recommendations at the conclusion of the hearing, (c) issuing subpoenas, (d) administering oaths and affirmations and (e) examining witnesses; provided, that no person shall be forced to divulge information which he could not be forced to divulge in a court of law.

(4) A quorum for all proceedings of the petition review committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-110, filed 7/8/88.]

**WAC 132U-120-120 Hearing procedures before the petition review committee.** (1) The petition review committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it.

(2) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of his or her relationship with the institution, and where the person (a) waives the opportunity for an informal hearing, or (b) by his conduct in the judgement of the hearing officer makes it impossible to conduct an informal hearing, or (c) is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing according to the provisions of RCW 28B.19.110 and the guidelines of this chapter. Where a formal hearing is neither required by law nor requested by the student or the college, the matter may be resolved informally. Informal hearings before the petition review committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) The student has a right to a fair and impartial hearing before the petition review committee on any charge of violating the rules of conduct. However, the

student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(4) Written notice of the time and place of the hearing before the petition review committee shall be given to the student by personal service or registered mail. Service will be regarded as complete upon deposit with the United States postal service. Such notice shall be afforded not less than ten calendar days in advance of the hearing and shall be issued by the committee chairperson. The notice shall include:

(a) A statement of time, place and nature of the disciplinary proceedings; and

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of conduct involved; and

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

(5) The committee has the power to issue subpoenas on its own motion or the motion of a party according to the provisions of RCW 28B.19.130.

(6) The student shall be entitled to:

(a) Hear and examine the evidence against him or her and be informed of the identity of its source; and

(b) Present evidence in his or her own behalf and cross-examine witnesses testifying on behalf of the college as to factual matters; and

(c) Take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the chairperson at least five working days prior to the hearing.

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

(9) The chairperson shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the petition review committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(10) The record in a formal hearing shall contain: (a) All documents, motions, and intermediate rulings; (b) evidence received and considered; (c) a statement of matters officially noticed; and (d) questions and offers of proof, objections, and rulings thereon.

(11) All records of disciplinary proceedings shall be maintained in the administrative office and shall be

available only during the course of the disciplinary proceedings to the petition review committee, the student and his/her attorney, and any other college official designated by the president.

(12) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

(13) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(14) The time of the hearing may be advanced by the petition review committee at the request of the student or continued for good cause.

(15) Hearings conducted by the petition review committee generally will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(16) If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the petition review committee may exclude that person from the hearing room.

(17) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-120, filed 7/8/88.]

**WAC 132U-120-130 Evidence admissible in hearings.** (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the petition review committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Hearsay evidence is admissible in the hearing.

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

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-130, filed 7/8/88.]

**WAC 132U-120-140 Decision by the petition review committee.** (1) Upon conclusion of the disciplinary hearing, the petition review committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

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

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) The committee's written decision shall include findings of fact, conclusions of law and recommendations for final disposal of the matter at issue.

(3) Within seven working days of the conclusion of the hearing, the student will be provided with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of his or her right, within seven calendar days, to submit a written statement to the president of the college appealing the recommendation of the petition review committee.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-140, filed 7/8/88.]

**WAC 132U-120-150 Final appeal.** (1) Any student feeling aggrieved by the findings or conclusions of an appeal to the petition review committee may appeal the same in writing to the president within seven calendar days following notification of the student of the action taken by the committee. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his findings and decision only on the official written record of the case and on any reports or recommendations of the petition review committee and/or of the dean who conducted the original hearing.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-150, filed 7/8/88.]

**WAC 132U-120-160 Effective date of the rules of conduct.** The rules contained within chapter 132U-120 WAC shall become effective thirty days after filing with the code reviser.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-160, filed 7/8/88.]

**WAC 132U-120-170 Prior rules.** The rules contained within chapter 132U-120 WAC supersedes all former rules for which a student was subject to disciplinary action as defined by WAC 132U-120-020.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-170, filed 7/8/88.]

**WAC 132U-120-180 Severability.** If any provisions of chapter 132U-120 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132U-120 WAC shall continue in effect.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-180, filed 7/8/88.]

**WAC 132U-120-190 Summary suspension proceedings.** (1) If a dean or his or her designee(s) has cause to believe that any student (a) has committed a felony; or (b) has violated any provision of this chapter; and (c) presents an imminent danger either to himself or herself,

other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) can be shown, either alone or in conjunction with (a) or (b).

(2) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state: (a) The charges against the student including reference to the provisions of WAC 132U-120-050 or statutory law involved; and (b) that the student charged must appear before the appropriate dean or his or her designee at a time specified in the notice for a hearing. The hearing shall be held as soon as practical after the summary suspension.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-190, filed 7/8/88.]

**WAC 132U-120-200 Procedures of summary suspension hearing.** (1) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the appropriate dean will preside over the meeting.

(2) The dean shall, at summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-200, filed 7/8/88.]

**WAC 132U-120-210 Decision by the dean.** If the dean, following the conclusion of the summary suspension hearing, finds that there is probable cause to believe that: (1) The student against whom specific violations are alleged has actually committed one or more such violations; and (2) summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and (3) such violation or violations constitute grounds for disciplinary action as provided for in WAC 132U-120-050; then the dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action appropriate.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-210, filed 7/8/88.]

**WAC 132U-120-220 Notice of suspension.** (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three working days following the conclusion of the hearing with the dean.

(3) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-220, filed 7/8/88.]

**WAC 132U-120-230 Suspension for failure to appear.** The dean is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-230, filed 7/8/88.]

**WAC 132U-120-240 Appeals from summary suspension hearing.** Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the petition review committee. No such appeal shall be entertained, however, unless (a) the student has first appeared before the appropriate dean at the hearing called for in the WAC 132U-120-200; (b) the student has been officially notified of the outcome of that hearing; (c) summary suspension or another disciplinary sanction has been upheld; and (d) the appeal conforms to the standards set forth in WAC 132U-120-100(2).

(2) The petition review committee shall, within five working days, conduct a formal hearing in the manner described in WAC 132U-120-120.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-240, filed 7/8/88.]

**WAC 132U-120-250 Final decision.** The president or his or her designee(s) shall review the findings and conclusions of the dean in conjunction with the recommendations of the petition review committee and will issue a final decision within three days.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-250, filed 7/8/88.]

**WAC 132U-120-260 Student grievances.** The purpose of this section through section 132U-120-320 is to protect each student's freedom of expression in the classroom; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's final course grade; and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-260, filed 7/8/88.]

**WAC 132U-120-270 Grievances excluded.** (1) A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code.

(2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted

by the state board for community college education or the board of trustees of Community College District No. 21 shall not be grievable matters.

(3) Students shall use chapter 132U-300 WAC for grievances pertaining to sexual or handicapped discrimination.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-270, filed 7/8/88.]

**WAC 132U-120-280 Grievance procedures.** (1) If a student believes he or she has been unfairly treated by an officer of the college, faculty member or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. The purpose of this discussion should be to clarify the perceived problem and request specific action. The request for specific action should be written, dated, and submitted to the faculty or staff member within sixty days of the incident which gave rise to the grievance. The person to whom the request was submitted shall reply in writing within five working days of the date on which the request was received.

(2) If, within ten instructional days following the student's attempt to resolve the grievance in the manner described above, the student feels a satisfactory resolution has not been achieved, the student shall file a formal grievance with the appropriate dean.

(3) The grievant shall present his or her grievance in writing to the appropriate dean and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution the grievant wishes to offer.

(4) The appropriate dean will attempt to resolve the problem within ten working days by:

(a) Serving as an intermediary between the student and the faculty or staff member and bringing about a resolution that is satisfactory to all concerned parties; or

(b) Reviewing the facts of the situation and making a decision. The decision shall be communicated in writing to all concerned parties.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-280, filed 7/8/88.]

**WAC 132U-120-290 Appeals.** If the hearing with the dean does not resolve the grievance to the student's satisfaction, he or she may appeal to the petition review committee by submitting a written petition to the chairperson of that committee within ten instructional days of receiving the written decision of the dean. The petition review committee may call any witnesses and hear any testimony needed to reach a prompt, fair resolution of the grievance. The committee shall be constructed as provided in WAC 132U-120-110. The hearing before the petition review committee shall not be considered a formal hearing. Where requested by the student and approved by the president of the college, a formal hearing (to be conducted according to the provisions of WAC 132U-120-120) may be granted. Within twenty days of receiving the appeal, the committee shall make a recommendation to the president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-290, filed 7/8/88.]

**WAC 132U-120-300 Final decision regarding student grievances.** (1) The president, after reviewing the record of the case prepared by the appropriate dean, together with any appeal statement filed by any party to the grievance, shall issue either a written acceptance of the recommendations of the dean, or written directions regarding alternative courses of action.

(2) The president shall notify all parties to the grievance of the decision within seventy-two hours by certified mail.

(3) The decision of the president shall be final.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-300, filed 7/8/88.]

**WAC 132U-120-310 Nature of grievance proceedings.** All hearings growing out of a student-initiated grievance, including appeals to the office of the president, shall remain closed unless all parties to the grievance agree on an open hearing.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-310, filed 7/8/88.]

**WAC 132U-120-320 Withdrawal of grievance.** (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal of the operational dean's decision forwarded to the office of the president may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-320, filed 7/8/88.]

**WAC 132U-120-330 Administrative, faculty and staff grievances.** Any administrator, faculty member or staff member who is the subject of a student's grievance and who is dissatisfied with the results of the student grievance proceedings shall file a grievance under the appropriate grievance procedure established by Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-330, filed 7/8/88.]

### Chapter 132U-122 WAC

#### WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

##### WAC

132U-122-010 Statement of policy.

132U-122-020 Withholding services for outstanding debts.

**WAC 132U-122-010 Statement of policy.** The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college

staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-122-010, filed 7/8/88.]

**WAC 132U-122-020 Withholding services for outstanding debts.** Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person, in writing, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within ten days from the date of the notification.

Upon receipt of a timely request for a hearing, 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 owes or owed any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this shall be sent to the individual within five days after the hearing.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-122-020, filed 7/8/88.]

### Chapter 132U-140 WAC

#### POLICY ON THE USE OF COLLEGE FACILITIES

##### WAC

132U-140-010 Use of college facilities.

132U-140-020 Limitation of use to school activities.

132U-140-030 Statement of intentions.

132U-140-040 General policies limiting use.

132U-140-050 Administrative control.

132U-140-060 Trespass.

132U-140-070 Prohibited conduct at college facilities.

**WAC 132U-140-010 Use of college facilities.** Community College District No. 21 serves Whatcom County by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public,

provided; that such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-010, filed 7/8/88.]

**WAC 132U-140-020 Limitation of use to school activities.** When allocating use of college facilities, top priority shall always be given to activities specifically related to the college's mission. No arrangements shall be made that may interfere with or operate to the detriment of, the college's own teaching, research, or public service programs. In particular, the college buildings, properties, and facilities (including those assigned to student programs) shall be used primarily for:

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

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

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

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

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

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college regulations and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(8) The college may restrict an individual or group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for rental, damage, or for any other unusual

costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-020, filed 7/8/88.]

**WAC 132U-140-030 Statement of intentions.** The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college hopes to work cooperatively with local private enterprise to the mutual benefit of all concerned.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-030, filed 7/8/88.]

**WAC 132U-140-040 General policies limiting use.**

(1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use shall be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) The college may designate areas in its facilities and times for use by commercial entities on a space-available basis. The college may establish procedures for allocating such space and time to assure equal opportunity for access to different commercial enterprises. Such designation shall be made in keeping with other college policies.

(5) Activities of a political or commercial nature may be approved providing they do not involve the use of promotional signs or posters on building, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(6) These general policies shall apply to recognized student groups using college facilities.

(7) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.

(8) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with

the normal conduct of college affairs as determined by the appropriate administrative officer.

(9) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

(10) The right of peaceful dissent within the college community shall be preserved. The college retains the right to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(11) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(12) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities) groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(13) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might be available through local law enforcement agencies.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-040, filed 7/8/88.]

**WAC 132U-140-050 Administrative control.** The board hereby delegates to the president or his or her designee(s), authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-050, filed 7/8/88.]

**WAC 132U-140-060 Trespass.** (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

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(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or re-entering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-060, filed 7/8/88.]

**WAC 132U-140-070 Prohibited conduct at college facilities.** (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the fire marshal to designated smoking areas.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-070, filed 7/8/88.]

## Chapter 132U-276 WAC ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

### WAC

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- 132U-276-110 Definitions.
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- 132U-276-210 Review of denials of public record requests.
- 132U-276-220 Protection of public records.
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**WAC 132U-276-100 Purpose.** The purpose of this chapter shall be to ensure compliance by Community College District No. 21 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular sections 250-340 of that act, dealing with public records.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-100, filed 7/8/88.]

**WAC 132U-276-110 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics; provided, however, that the personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

(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.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-110, filed 7/8/88.]

**WAC 132U-276-120 Description of organization.**

(1) Community College District No. 21 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 237 - West Kellogg Rd., Whatcom County, Washington. The college service center comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets twice each month, as provided in WAC 132U-104-030. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the state board for community college education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the *Policies and Procedures Manual for Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-120, filed 7/8/88.]

**WAC 132U-276-130 Operations and procedures.**

(1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is

available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-130, filed 7/8/88.]

**WAC 132U-276-140 Substantive rules and policies of general applicability.** (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability.

(a) The violation of which subject an individual to a penalty or administrative sanction; or

(b) Which establish, alter, or revoke any procedures, practice, or requirement relating to institutional hearings; or

(c) Which establish, alter, or revoke any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW, and are contained within Title 132U of the Washington Administrative Code.

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW and are not contained within Title 132U WAC, but rather are adopted by resolution of the board of trustees or by action of the president and are contained within the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-140, filed 7/8/88.]

**WAC 132U-276-150 Public records available.** All public records of the district, as defined in WAC 132U-276-110, are deemed to be available for public inspection and copying pursuant to this chapter, except as otherwise provided by RCW 42.17.310 and WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-150, filed 7/8/88.]

**WAC 132U-276-160 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132U-276-120. The public records officer shall be responsible for the following: Implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally insuring compliance



by district employees with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-160, filed 7/8/88.]

**WAC 132U-276-170 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-170, filed 7/8/88.]

**WAC 132U-276-180 Requests for public records.** In accordance with the requirement of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office 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 public 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 current index, an appropriate description of the record requested.

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

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-180, filed 7/8/88.]

**WAC 132U-276-190 Copying.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered

payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-190, filed 7/8/88.]

**WAC 132U-276-200 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132U-276-180 is exempt pursuant to the provisions set forth in RCW 42.17.310. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

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

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-200, filed 7/8/88.]

**WAC 132U-276-210 Review of denials of public record 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 a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the informal hearing the president or his or her designee shall consider the obligations of the district fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 and the provisions of the statute which require the district to protect public records from damage or disorganization,

prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-210, filed 7/8/88.]

WAC 132U-276-220 Protection of public records. Requests for public records shall be made at the administrative office of the district at Whatcom County, 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 of such records may be arranged according to the provisions of WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-220, filed 7/8/88.]

WAC 132U-276-230 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after 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) The current index maintained 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.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-230, filed 7/8/88.]

WAC 132U-276-240 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO COMMUNITY COLLEGE DISTRICT NO. 21

(a) Name (please print) Signature
Name of Organization, if applicable

Mailing Address of applicant Phone
(b) Date Request made 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 21
Request: Approved \_\_\_ Denied \_\_\_ Date
By Name Title
Reasons for Denial:
Referred to Date
[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-240, filed 7/8/88.]

Chapter 132U-280 WAC
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

- WAC
132U-280-010 Confidentiality of student records.
132U-280-015 Definition of a student.
132U-280-020 Education records—Student's right to inspect.
132U-280-025 Requests and appeal procedures.
132U-280-030 Release of personally-identifiable records.
132U-280-035 College records.

WAC 132U-280-010 Confidentiality of student records. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that 20 U.S.C. 1232(g) the Family Educational Rights and Privacy Act of 1974 directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in those records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-010, filed 7/8/88.]

WAC 132U-280-015 Definition of a student. A student is defined as any person who is or has been officially registered at Whatcom Community College and with respect to whom the college maintains education records or personally-identifiable information.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-015, filed 7/8/88.]

**WAC 132U-280-020 Education records--Student's right to inspect.** (1) A student has the right to inspect and review his or her education records.

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

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

(i) Records of instructional, supervisory and administrative personnel which exist solely for the use of the maker and which are not accessible or revealed to any other person except a substitute.

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

(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other 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 treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

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

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

(i) Admission to any educational institution; or

(ii) An application for employment; or

(iii) Receipt of an honor or honorary recognition.

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

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

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

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

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

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

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

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

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section and WAC 132U-280-025 be removed or destroyed prior to providing the student access.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-020, filed 7/8/88.]

**WAC 132U-280-025 Requests and appeal procedures.** (1) A request by a student for review of information should be made in writing to the college individual or office having custody of the particular record.

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

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual or office or who feels that the information contained in those records is incorrect should contact the appropriate dean responsible for the individual or office for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean the student may then request a hearing by the president or his or her designee(s). Following the hearing the hearing officer shall render his or her decision within a reasonable period of time. In all cases the decision of the hearing officer shall be final.

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

(d) The college shall not review any matter regarding the appropriateness of official academic grades beyond that provided for in WAC 132U-120-200, et seq.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-025, filed 7/8/88.]

**WAC 132U-280-030 Release of personally-identifiable records.** (1) The college shall not permit access to

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

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

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

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

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

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

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

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

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

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

(5) The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone number, dates of attendance, and degrees and awards received. Students may request that the college withhold directory information except through written notice to the registration office.

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

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-030, filed 7/8/88.]

**WAC 132U-280-035 College records.** All college individuals or offices having custody of education records will develop procedures in accord with WAC 132U-280-010 through 132U-280-040. Any supplementary regulations found necessary by departments will be filed with the college which will be responsible for periodic review of policy and procedures.

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

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-280-035, filed 7/8/88.]

## Chapter 132U-300 WAC GRIEVANCES--DISCRIMINATION

### WAC

132U-300-010 Statement of policy.

132U-300-020 Grievance procedure—Sexual harassment, sex discrimination, handicapped discrimination.

**WAC 132U-300-010 Statement of policy.** Whatcom Community College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. It is the policy of Whatcom Community College to ensure equal opportunity without regard to sex or handicap status in all areas of admission, education, application for employment, and employment. It is also the policy of Whatcom Community College to provide an environment in which members of the college community can work or study free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(1) Submission to the conduct is either explicitly or implicitly made a term or condition of an individual's academic or career advancement; and/or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; and/or

(3) Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

A grievance procedure is required by Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-300-010, filed 7/8/88.]

**WAC 132U-300-020 Grievance procedure--Sexual harassment, sex discrimination, handicapped discrimination.** (1) Any applicant for admission, enrolled student, applicant for employment or employee of Whatcom Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting, or if he or she has waived rights to an informal meeting, the complainant may request a meeting with the college designated grievance officer.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within thirty calendar days of receiving the written request, the college designated grievance officer shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the college officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the college designated grievance officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the designated grievance officer, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

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

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

(a) Regional Director, Office of Civil Rights, Department of Education, HEW, 2901-3rd Avenue, M.S. 106, Seattle, Washington 98101.

(b) The Equal Opportunity Commission, 1321-2nd Avenue, 7th Floor, Arcade Plaza, Seattle, Washington 98101.

(c) The Human Rights Commission, 402 Evergreen Plaza Building, Mailstop FJ-41, 711 S. Capitol Way, Olympia, Washington 98502.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-300-020, filed 7/8/88.]

## Chapter 132U-325 WAC

### ENVIRONMENTAL POLICY ACT RULES

WAC

132U-325-010 Implementation of State Environmental Policy Act.

**WAC 132U-325-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of Community College District No. 21 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy, chapters 197-10 and 131-24 WAC, as presently enacted or hereafter amended.

(2) The president of Community College District No. 21 shall be responsible for administering and implementing this policy.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-325-010, filed 7/8/88.]

## Chapter 132U-400 WAC

### LOSS OF ELIGIBILITY--STUDENT ATHLETIC PARTICIPATION

WAC

132U-400-010 Immediate suspension.

**WAC 132U-400-010 Immediate suspension.** Student athletes found to have violated chapter 69.41

RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-400-010, filed 2/15/90, effective 3/18/90.]