

# Title 132V WAC

## COMMUNITY COLLEGES—TACOMA COMMUNITY COLLEGE

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 132V-10 CAMPUS REGULATIONS

132V-10-001 Campus regulations. [Order 1-1969, § 132V-10-001, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.

#### Chapter 132V-14 STUDENT RIGHTS AND RESPONSIBILITIES

132V-14-010 Title. [Order 4, § 132V-14-010, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13).

132V-14-020 Definitions. [Order 4, § 132V-14-020, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-020.

132V-14-030 Jurisdiction. [Order 4, § 132V-14-030, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-030.

132V-14-040 Student rights. [Order 4, § 132V-14-040, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-040.

132V-14-050 Student responsibilities. [Order 4, § 132V-14-050, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-050.

132V-14-060 Authority of the president to prohibit trespass. [Order 4, § 132V-14-060, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-060.

132V-14-070 Offcampus speakers. [Order 4, § 132V-14-070, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13).

132V-14-080 Student records. [Order 4, § 132V-14-080, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13).

132V-14-090 Distribution and posting. [Order 4, § 132V-14-090, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13).

### Chapter 132V-16 DISCIPLINARY SANCTIONS AND PROCEDURES

132V-16-010 Purpose of disciplinary actions. [Order 4, § 132V-16-010, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-150.

132V-16-020 Initiation of prosecution. [Order 4, § 132V-16-020, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-170.

132V-16-030 Initial disciplinary proceedings. [Order 4, § 132V-16-030, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-180.

132V-16-040 Appeals. [Order 4, § 132V-16-040, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-190.

132V-16-050 Composition of student rights and responsibilities committee. [Order 4, § 132V-16-050, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-200.

132V-16-060 Procedures for hearing before the student rights and responsibilities committee. [Order 4, § 132V-16-060, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-210.

132V-16-070 Conduct of hearings. [Order 4, § 132V-16-070, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-220.

132V-16-080 Evidence admissible in hearings. [Order 4, § 132V-16-080, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-230.

132V-16-090 Decision by the committee. [Order 4, § 132V-16-090, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-240.

132V-16-100 Final decision regarding disciplinary action. [Order 4, § 132V-16-100, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-250.

132V-16-110 Disciplinary action. [Order 4, § 132V-16-110, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-160.

132V-16-120 Readmission after suspension or expulsion. [Order 4, § 132V-16-120, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13).

132V-16-130 Reestablishment of academic standing. [Order 4, § 132V-16-130, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-260.

**Chapter 132V-18  
SUMMARY SUSPENSION RULES**

- 132V-18-010 Initiation of summary suspension proceedings. [Order 4, § 132V-18-010, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-070.
- 132V-18-020 Notice of summary proceedings. [Order 4, § 132V-18-020, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-080.
- 132V-18-030 Procedures of summary suspension hearing. [Order 4, § 132V-18-030, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-090.
- 132V-18-040 Decision by dean of students. [Order 4, § 132V-18-040, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-100.
- 132V-18-050 Notice of suspension. [Order 4, § 132V-18-050, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-110.
- 132V-18-060 Suspension for failure to appear. [Order 4, § 132V-18-060, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-120.
- 132V-18-070 Appeal. [Order 4, § 132V-18-070, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-130.
- 132V-18-080 Summary suspension proceedings not duplicative. [Order 4, § 132V-18-080, filed 7/24/70.] Repealed by 85-02-004 (Order 84-1), filed 12/21/84. Statutory Authority: RCW 28B.50.140(13). Later promulgation, see WAC 132V-120-140.

**Chapter 132V-20  
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132V-20-001 Policy for student-invited speakers. [Order 1-1969, § 132V-20-001, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.

**Chapter 132V-30  
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- 132V-30-001 Disciplinary warning. [Order 1-1969, § 132V-30-001, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.
- 132V-30-002 Disciplinary probation. [Order 1-1969, § 132V-30-002, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.
- 132V-30-003 Suspension. [Order 1-1969, § 132V-30-003, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.
- 132V-30-004 Expulsion. [Order 1-1969, § 132V-30-004, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.

**Chapter 132V-11 WAC  
TUITION AND FEE WAIVERS FOR FULL-TIME  
EMPLOYEES**

**WAC**

132V-11-010 Tuition and fee waivers for full-time employees.

**WAC 132V-11-010 Tuition and fee waivers for full-time employees.** Pursuant to the authority granted by

chapter 82, Laws of 1979 ex. sess. [regular sess.] [RCW 28B.15.535(3)], the board of trustees of Tacoma Community College District 22 hereby waives tuition, operating and service and activities fees for full-time employees under the following conditions:

(1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the district.

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations.

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment rated statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(5) Employees enrolling on a space-available basis shall be charged a registration fee of five dollars per quarter and a one-time records fee of five dollars.

(6) The number of courses per quarter for which an employee may enroll pursuant to this section shall be limited to no more than ten quarter hours per quarter.

(7) Employees taking tuition-free courses may do so after their normal working hours. Any exception will require special permission of the employee's supervising dean, and the employee will be required to make up the time during the same work day.

(8) Courses taken on a tuition-free basis may count as professional improvement units for academic employees provided established district procedures are followed.

(9) The definition of full-time administrative and professional employees, for the purposes of this act, shall be as stated in district policy. The definition of full-time classified employee shall be as stated in WAC 251-04-020.

[Statutory Authority: RCW 28B.15.535(3) and chapter 28B.15 RCW. 80-01-006 (Resolution No. 79-12), § 132V-11-010, filed 12/11/79.]

**Chapter 132V-12 WAC  
PERSONNEL RULES FOR THE CLASSIFIED  
STAFF SERVICE OF TACOMA COMMUNITY  
COLLEGE**

**WAC**

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PURPOSE, ADOPTION, AND AMENDMENT OF  
RULES

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

[Order, § 132V-12-003, filed 10/28/68.]

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

[Order, § 132V-12-006, filed 10/28/68.]

**WAC 132V-12-009 Adoption of rules.** Upon adoption by the personnel committee of the board of trustees of Tacoma Community College, these rules shall be in full force and effect.

[Order, § 132V-12-009, filed 10/28/68.]

**WAC 132V-12-012 Amendment of rules.** These rules may be amended by action of the personnel committee as provided in the act. It is recognized that the background and experience of each of the state institutions of higher learning in the administration of the act will be of valuable

assistance to the personnel committee of other such institutions. The desirability of uniformity in the rules of the personnel committees of the several institutions of higher learning, where practicable, is likewise recognized.

[Order, § 132V-12-012, filed 10/28/68.]

## DEFINITION OF TERMS

**WAC 132V-12-015 Definitions.** The following terms wherever used in these rules shall have the meaning indicated below except where the context clearly indicates otherwise:

(1) "**Act.**" The state civil service law, chapter 41.06 RCW.

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

(3) "**Board.**" The board of trustees of Tacoma Community College.

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

(5) "**Classified service.**" All positions in the institution of higher learning subject to the provisions of the civil service law and such temporary employees included by the personnel committee.

(6) "**Committee.**" The personnel committee of the board of trustees of Tacoma Community College.

(7) "**Competitive service.**" Those classes of positions for which a competitive examination shall be given for the determination of the rank order of merit of the competing candidates.

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

(9) "**Director.**" The director of classified staff personnel.

(10) "**Dismissal.**" The separation from employment for cause reflecting discredit upon the employee.

(11) "**Eligible.**" Any person whose name is on an eligible list.

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

(13) "**Appointing authority.**" The president of the community college and dean of administrative services shall act jointly or severally as the "appointing authority" for the purpose of these rules and the purposes of any related designation and/or delegation of authority hereafter adopted by the board which shall govern in the event of a conflict herewith.

(14) "**Exempt position.**" A position excluded from coverage by the provisions of the act.

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

(16) "**Noncompetitive service.**" Those positions within the classified service for which recruitment results in less than two more applicants than there are vacancies to be filled.

(17) "**Organizational unit.**" An administrative division of the institution established for the purposes of personnel administration as defined in WAC 132V-12-216 - 132V-12-267.

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

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

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

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

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

(23) "**Resignation.**" The separation from employment by an employee made at his own request.

(24) "**Student employee.**" An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided in WAC 132V-12-389 - 132V-12-401.

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

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

[Order 7, § 132V-12-015, filed 6/27/72; Order, § 132V-12-015, filed 10/28/68.]

## ORGANIZATION FOR PERSONNEL MANAGEMENT

### The Personnel Committee

**WAC 132V-12-018 Organization.** The board shall designate three of its members as a permanent personnel committee. The term of service shall continue through the member's term of service as regent/trustee.

[Order, § 132V-12-018, filed 10/28/68.]

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

[Order, § 132V-12-021, filed 10/28/68.]

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

[Order, § 132V-12-024, filed 10/28/68.]

**WAC 132V-12-027 Meetings.** Meetings, including hearings, shall be held at the call of the chairman, or any two members. All members shall be provided reasonable advance notice of the time and place of the meetings. Statements of findings and release of material shall be made only with the approval of a majority of the committee. A member of the committee or the secretary may administer oaths.

[Order, § 132V-12-027, filed 10/28/68.]

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

[Order, § 132V-12-030, filed 10/28/68.]

**WAC 132V-12-033 Appointment.** The board shall designate a qualified, full-time, nonacademic employee who shall act as director of personnel for the classified staff service.

[Order, § 132V-12-033, filed 10/28/68.]

### The Personnel Director

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

[Order, § 132V-12-036, filed 10/28/68.]

## CLASSIFICATION PLAN

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

[Order, § 132V-12-039, filed 10/28/68.]

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

[Order, § 132V-12-042, filed 10/28/68.]

**WAC 132V-12-045 Allocation.** Each position in the classified service shall be allocated to an established class in

the classification plan. An appointment may be made only to a position that has been classified.

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

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

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

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

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

(b) The appeal shall be sent to the committee whose decision shall be final.

[Order, § 132V-12-045, filed 10/28/68.]

### Class Specifications

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

[Order, § 132V-12-048, filed 10/28/68.]

**WAC 132V-12-051 Use in allocation.** In determining the class to which any position should be allocated, the specifications describing each class shall be considered as a

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

[Order, § 132V-12-051, filed 10/28/68.]

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

[Order, § 132V-12-054, filed 10/28/68.]

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

[Order, § 132V-12-057, filed 10/28/68.]

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

[Order, § 132V-12-060, filed 10/28/68.]

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

[Order, § 132V-12-063, filed 10/28/68.]

### COMPENSATION PLAN

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

[Order, § 132V-12-066, filed 10/28/68.]

**WAC 132V-12-069 Content.** A compensation plan for the classified staff service shall consist of schedules of rates or ranges in monthly amounts showing the assignment

of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies.

[Order, § 132V-12-069, filed 10/28/68.]

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

[Order, § 132V-12-072, filed 10/28/68.]

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

[Order, § 132V-12-075, filed 10/28/68.]

#### HOURS OF WORK AND LEAVES OF ABSENCE

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

(1) Two general work schedules are recognized. The assignment of an employee to a particular schedule will be stated in the class specifications as described in the classification plan. The employee shall be notified of such assignment in the terms of his appointment. (Classification plan, WAC 132V-12-039 - 132V-12-063)

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

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

[Order, § 132V-12-078, filed 10/28/68.]

**WAC 132V-12-084 Rest periods.** Each employee shall be entitled to not less than a ten minute rest period for each four hours of work. Each eight-hour shift shall include two rest periods, even though the shift is unequally divided.

[Order, § 132V-12-084, filed 10/28/68.]

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

New Year's Day	Labor Day
Lincoln's Birthday	Columbus Day
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

Any day on which a general election is held throughout the state. Any day designated by the governor as a legal holiday, or as a day of Thanksgiving.

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

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

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

[Order, § 132V-12-087, filed 10/28/68.]

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

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

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

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

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

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

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

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

(6) Unused annual leave credits may be accumulated to a maximum of thirty working days, except that if an employee's request for leave is deferred by the appointing authority

and a statement of the necessity is filed with the director, then the maximum of thirty days' accrual shall be extended for each month that the leave is deferred. Annual leave earned by the employee must be allowed him during the period it is available to him. No extra compensation in lieu of annual leave shall be paid the employee.

(7) Upon separation from the classified service after six months of continuous employment, annual leave pay may be allowed to the extent of the employee's accrued and unused annual leave credits as shown by the records of the director.

[Order, § 132V-12-096, filed 10/28/68.]

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

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

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

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

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

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

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

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

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

(4) Sick leave shall accumulate at a rate of 12 days per year up to one hundred thirty-two working days and shall accumulate at a rate of 10 days per year after 132 days to a maximum of one hundred eighty working days of unused leave.

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

appointing authority to submit a written statement explaining the nature of the disability.

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

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

[Order, § 132V-12-120, filed 10/28/68.]

### Military Leave of Absence

#### WAC 132V-12-144 Military training leave with pay.

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

[Order, § 132V-12-144, filed 10/28/68.]

#### WAC 132V-12-147 Military leave without pay.

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

[Order, § 132V-12-147, filed 10/28/68.]

#### WAC 132V-12-150 Leave for civil duty.

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

[Order, § 132V-12-150, filed 10/28/68.]

#### WAC 132V-12-153 Leave of absence without pay.

Leave of absence without pay may be allowed for a classified employee for specific periods for any of the reasons applicable for leave with pay and for maternity leave.

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

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

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

[Order, § 132V-12-153, filed 10/28/68.]



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

[Order, § 132V-12-165, filed 10/28/68.]

## RECRUITMENT AND EXAMINATION

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

[Order, § 132V-12-168, filed 10/28/68.]

### Announcement of Examinations

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

[Order, § 132V-12-171, filed 10/28/68.]

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

[Order, § 132V-12-174, filed 10/28/68.]

### Eligibility to Compete in Examinations

**WAC 132V-12-177 Open competitive examinations.** Examinations designed to establish employment list shall be open to all who appear to meet the qualifications and other requirements for the class as set forth in the examination announcement. Probationary employees may be admitted to open competitive examinations.

[Order, § 132V-12-177, filed 10/28/68.]

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

[Order, § 132V-12-180, filed 10/28/68.]

## Applications

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

[Order, § 132V-12-183, filed 10/28/68.]

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

[Order, § 132V-12-186, filed 10/28/68.]

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

[Order, § 132V-12-189, filed 10/28/68.]

**WAC 132V-12-192 Disqualification of applicants.** The director may reject the application of any person for admission to an examination, or decline the applicant who: (1) Is found to lack the qualifications prescribed for admission to the examination; (2) is physically unfit to perform effectively the duties of the class; (3) is addicted to the habitual use of alcoholic beverages, and to excess, or to the use of narcotics; (4) has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct, or who has been dismissed from a position for delinquency or misconduct; (5) has used or attempted to use influence or bribery to secure an advantage in an examination or appointment; (6) has made a false statement of any material fact or has practiced or attempted to practice

deception or fraud in his application or examination; or (7) has otherwise violated provisions of the law or these rules. Whenever the director refuses an applicant under the provisions of these rules, he shall furnish him a statement of the reasons thereof.

[Order, § 132V-12-192, filed 10/28/68.]

### Character of Examinations

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

[Order, § 132V-12-195, filed 10/28/68.]

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

[Order, § 132V-12-198, filed 10/28/68.]

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

[Order, § 132V-12-201, filed 10/28/68.]

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

[Order, § 132V-12-204, filed 10/28/68.]

### Examination Administration

**WAC 132V-12-207 Conduct of examinations.** Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the conve-

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nience of applicants, practicability of administration, and needs of the service. The examination shall be conducted either by the director or by persons designated by him.

[Order, § 132V-12-207, filed 10/28/68.]

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

[Order, § 132V-12-210, filed 10/28/68.]

**WAC 132V-12-213 Rating of examinations.** In all examinations the minimum ratings by which eligibility may be achieved shall be set by the director. The final examination grade shall be based on all factors of the examination and shall be determined by the ratings on each part of the examination in accordance with the weights established for each part of the examination by the director prior to the date of the examination. All competitors may be required to obtain a minimum rating in one or each part of the examination in order to achieve a final passing grade or to be rated on the remaining parts of the examination.

[Order, § 132V-12-213, filed 10/28/68.]

### ELIGIBLE LISTS

**WAC 132V-12-216 Establishment and maintenance.** The director shall establish and maintain eligible lists necessary to carry out the purpose of the act and these rules.

[Order, § 132V-12-216, filed 10/28/68.]

**WAC 132V-12-219 Organizational units.** The committee shall establish organizational units for purposes of employment, or layoff, based upon seniority. The director shall notify employing officials of the establishment of organizational units, who in turn will notify affected employees of such units. The committee may modify or cancel established organizational units, upon notice to the employing officials concerned at any time when such action is in the best interest of the classified service.

[Order, § 132V-12-219, filed 10/28/68.]

**WAC 132V-12-222 Merit lists.** On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings, names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

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

(2) **Institution-wide promotional lists.** Institution-wide promotional lists shall be established by class of employment

and shall consist of the names of permanent employees who have passed a promotional examination for the class for which the list is established.

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

[Order, § 132V-12-222, filed 10/28/68.]

**WAC 132V-12-225 Layoff lists.** Names shall be placed on the following lists in order of the length of the employees' previous service in the class for which the list is established.

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

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

[Order, § 132V-12-225, filed 10/28/68.]

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

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

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

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

[Order, § 132V-12-228, filed 10/28/68.]

**WAC 132V-12-231 Duration of eligible lists.** The committee shall determine the period during which promotional or open-competitive lists shall remain in effect. When an eligible list exists for any class, and the committee deems it necessary to establish another such list for the same class, the existing list ordinarily shall be cancelled. If the committee finds it necessary to cancel a promotional list, notice will be given to the eligibles on the list cancelled.

[Order, § 132V-12-231, filed 10/28/68.]

**WAC 132V-12-234 Registers—Generally.** The establishment, maintenance, and adequacy of all ranked and

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unranked registers shall be the responsibility of the director. The life of a register shall be measured for each individual person and from the date that person's name is placed on the register.

[Order, § 132V-12-234, filed 10/28/68.]

**WAC 132V-12-237 Registers—Departmental reduction in force—Duration.** The departmental reduction in force register will be established by appropriate classes and will contain the names of all past employees who had gained permanent status prior to a separation due to a reduction in force; and the names of those who were in a trial service period with another department and separated due to reduction in force. This register will be ranked according to the total service in that department as measured from the first appointment to that department. The employee's name shall appear for all classes he has previously held for more than six months in the classified service, as determined by the director.

The life of this register shall normally be no less than five years so long as one name appears on the register and the class exists. However, the director may reduce, extend, or reestablish this register as long as it does not jeopardize the reemployment of an employee separated by reduction in force.

[Order, § 132V-12-237, filed 10/28/68.]

**WAC 132V-12-240 Registers—Classified service-wide reduction in force—Duration.** This register will consist of the same names as the department reduction in force ranked according to total state service measured from the original appointment. Persons on this register will indicate the geographical areas in which they are available.

The life of this register shall normally be two years so long as one name appears on the register and the class exists. However, the director may reduce, extend, or reestablish this register as long as it does not jeopardize the reemployment of an employee separated by reduction in force.

[Order, § 132V-12-240, filed 10/28/68.]

**WAC 132V-12-243 Registers—Intradepartmental promotion—Duration.** This register will be established by appropriate classes and shall include the names of those permanent employees of the same department who have received a passing final grade in the total promotional examination and are eligible to be certified, and will be ranked according to their final grade. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall normally be for one year unless replaced by a register established by the use of a substantially new examination.

[Order, § 132V-12-243, filed 10/28/68.]

**WAC 132V-12-246 Registers—Interdepartmental promotion—Duration.** This register will be established by appropriate classes and include all the names of those permanent employees who have obtained a passing final grade in the total promotional examination and are eligible

to be certified, and will be ranked according to their final grade. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be for one year unless replaced by a register established by the use of a substantially new examination.

[Order, § 132V-12-246, filed 10/28/68.]

**WAC 132V-12-249 Registers—Departmental unranked reinstatement—Duration.** This register will be established by the appropriate classes and will include the names of all past permanent employees of a department who resigned while performing similar duties to the satisfaction of the appointing authorities as indicated in a final supervisor's evaluation and who have submitted a written request to be reinstated within two years from the date of resignation. If the director has determined a critical need for eligibles exists in a certain class, and a geographic area, he may extend the time during which an employee may apply for reinstatement. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be two years unless extended by the director.

[Order, § 132V-12-249, filed 10/28/68.]

**WAC 132V-12-252 Registers—Classified service-wide unranked reinstatement—Duration.** This register will be established by appropriate classes and will include the names of all past permanent employees of the classified service who resigned and have submitted a written request to be reinstated within one year of resignation and have passed the qualifying examinations that may be required by the director. If the director has determined a critical need for eligibles exists in a certain class and geographic area, he may extend the time during which an employee may apply for reinstatement. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be for one year unless extended by the director.

[Order, § 132V-12-252, filed 10/28/68.]

**WAC 132V-12-255 Registers—Unranked transfer—Duration.** This register will be established by the appropriate classes and will include the names of all permanent employees who are employed and have submitted a written request to be considered for transfer. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be one year.

[Order, § 132V-12-255, filed 10/28/68.]

**WAC 132V-12-258 Registers—Open-competitive—Duration.** This register will be established by appropriate classes and shall include the names of all persons who have passed the entrance examinations; and shall be ranked by the final grades. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall normally be for one year unless extended by the director.

[Order, § 132V-12-258, filed 10/28/68.]

**WAC 132V-12-261 Removal of names from eligible lists.** The director may remove names from eligible lists permanently or temporarily for any of the following reasons subject to appeal rights as provided in WAC 132V-12-168 - 132V-12-213

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

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

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

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

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

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

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

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

[Order, § 132V-12-261, filed 10/28/68.]

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

[Order, § 132V-12-264, filed 10/28/68.]

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

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

[Order, § 132V-12-267, filed 10/28/68.]

**CERTIFICATION AND APPOINTMENT**

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

[Order, § 132V-12-270, filed 10/28/68.]

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

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

[Order, § 132V-12-273, filed 10/28/68.]

**WAC 132V-12-276 Ranked lists.** Where ranked lists are used, the director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies. If there are not sufficient names on any single list to provide the proper number for certification, additional names may be certified from the list of next lower priority.

[Order, § 132V-12-276, filed 10/28/68.]

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

[Order, § 132V-12-279, filed 10/28/68.]

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

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

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

[Order, § 132V-12-281, filed 10/28/68.]

**Appointments**

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

[Order, § 132V-12-284, filed 10/28/68.]

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

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

[Order, § 132V-12-287, filed 10/28/68.]

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

[Order, § 132V-12-290, filed 10/28/68.]

**WAC 132V-12-293 Demotion.** A position may be filled by the demotion of an employee in accordance with the procedures as set forth in these rules.

[Order, § 132V-12-293, filed 10/28/68.]

**PROBATIONARY PERIOD**

**WAC 132V-12-296 Purpose.** A probationary or working test period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his position, and to reject any employee whose work performance fails to meet required work standards.

[Order, § 132V-12-296, filed 10/28/68.]

**WAC 132V-12-299 Duration.** All original and all promotional appointments shall be tentative and subject to a probationary period of six months of actual service which starts upon the effective date of an appointment.

[Order, § 132V-12-299, filed 10/28/68.]

**WAC 132V-12-302 Dismissal during probationary period.** At any time during the trial period the appointing authority may remove an employee whose performance does not meet the required standards, provided that he shall report the removal and the reasons thereof in writing before the effective date of separation to the director and to the employee concerned. Notice of two weeks will normally be given an employee who is removed. If more than three employees are removed successively from the same position during their trial service period, the director shall immediately investigate and determine whether the removals were because the employees did not meet the required standards and submit a report of his investigations together with his conclusions to the committee. If the employees were removed for reasons other than their performance did not meet the required standards, the board shall order their reinstatement. Dismissal during the probationary period is not, however, appealable by the employee.

[Order, § 132V-12-302, filed 10/28/68.]

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

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

[Order, § 132V-12-305, filed 10/28/68.]

**SEPARATION AND DISCIPLINARY ACTIONS**

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

[Order, § 132V-12-308, filed 10/28/68.]

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

[Order, § 132V-12-311, filed 10/28/68.]

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

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

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

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

[Order, § 132V-12-314, filed 10/28/68.]

**WAC 132V-12-317 Dismissal.** An appointing authority may dismiss for cause any permanent employee under his jurisdiction by delivering at least fifteen calendar days before the effective date thereof a written statement of the specific charges by personal delivery or by certified mail to the employee's last known address, with a copy to the director. If the appointing authority, because of the circumstance and legal cause as set forth in the written statement for the dismissal, desires to make an immediate separation from the service, he may effect a suspension without pay pending dismissal. By so notifying the director in writing, such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in WAC 132V-12-078 - 132V-12-165. The appointing authority may withdraw or modify a dismissal within fifteen calendar days

after the original written notice is filed. A permanent employee so dismissed shall have the right to appeal in writing not later than thirty calendar days after the effective date of the dismissal to the committee and shall be granted a hearing as provided in WAC 132V-12-168 - 132V-12-213.

[Order, § 132V-12-317, filed 10/28/68.]

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

[Order, § 132V-12-320, filed 10/28/68.]

**WAC 132V-12-323 Disciplinary action.** Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall be: neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, gross misconduct, or willful violation of the published employing agency or department of personnel rules or regulations.

[Order, § 132V-12-323, filed 10/28/68.]

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

[Order, § 132V-12-326, filed 10/28/68.]

**WAC 132V-12-329 Demotion.** An appointing authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the director at least fifteen calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the committee not later than thirty calendar days after the effective date of dismissal.

[Order, § 132V-12-329, filed 10/28/68.]

## APPEALS FROM DISCIPLINARY ACTIONS

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

[Order, § 132V-12-332, filed 10/28/68.]

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

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

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

Section 20. (1) Within thirty days after the recording of the order and mailing thereof, the employee may appeal to the superior court of Thurston County, or, in the case of an employee of an institution of higher learning, to the superior court of the county in which such institution is located, on one or more of the grounds that the order was:

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

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

(c) Materially affected by unlawful procedures;

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

(e) Arbitrary or capricious.

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

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

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

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

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

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

[Order, § 132V-12-335, filed 10/28/68.]

## REPRESENTATION AND GRIEVANCES

**WAC 132V-12-338 Agreements between agencies and employee organizations.** State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities. The rights described herein shall not, however, extend to employees where such affiliation, participation, or representation would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

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[Order, § 132V-12-338, filed 10/28/68.]

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

[Order, § 132V-12-341, filed 10/28/68.]

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

[Order, § 132V-12-344, filed 10/28/68.]

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

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

[Order, § 132V-12-347, filed 10/28/68.]

## ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE

**WAC 132V-12-350 Certification by director—Notice of petition.** The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with section 350-386 and that the petition may be contested. In the event that proof is not satisfactory to the director, he may require an election to be held.

[Order, § 132V-12-350, filed 10/28/68.]

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



ry proof of at least ten per cent representation within the unit.

[Order, § 132V-12-353, filed 10/28/68.]

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

[Order, § 132V-12-356, filed 10/28/68.]

**WAC 132V-12-359 Majority of votes required.** An employee organization receiving a majority of all votes cast in such an election shall be certified by the director as the exclusive representative of the employees of the bargaining unit.

[Order, § 132V-12-359, filed 10/28/68.]

**WAC 132V-12-362 Representation upon certification.** When an employee organization has been certified as the exclusive representative of the employees of a bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the appointing authority and may be adjusted by the appointing authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the appointing authority.

[Order, § 132V-12-362, filed 10/28/68.]

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

[Order, § 132V-12-365, filed 10/28/68.]

### Contents of Written Agreements

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

[Order, § 132V-12-368, filed 10/28/68.]

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

[Order, § 132V-12-371, filed 10/28/68.]

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

[Order, § 132V-12-374, filed 10/28/68.]

**WAC 132V-12-377 One year duration.** Written agreements shall be for no more than one year in duration. Automatic renewal or extension provisions shall not be valid.

[Order, § 132V-12-377, filed 10/28/68.]

**WAC 132V-12-380 Filing—Conflict with Civil Service Act.** Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the civil service rules or the state civil service law.

[Order, § 132V-12-380, filed 10/28/68.]

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

[Order, § 132V-12-383, filed 10/28/68.]

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

[Order, § 132V-12-386, filed 10/28/68.]

### SERVICE RATINGS AND TRAINING

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

[Order, § 132V-12-389, filed 10/28/68.]

**WAC 132V-12-392 Education and training.** An employee may enroll in course work. Participating employees must meet regular academic and admissions regulations and are subject to fee schedules established by the college.

[Order, § 132V-12-392, filed 10/28/68.]

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

[Order, § 132V-12-398, filed 10/28/68.]

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

[Order, § 132V-12-401, filed 10/28/68.]

## PROHIBITIONS AND PENALTIES

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

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

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

[Order, § 132V-12-404, filed 10/28/68.]

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

[Order, § 132V-12-407, filed 10/28/68.]

## General Prohibition

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

[Order, § 132V-12-410, filed 10/28/68.]

**WAC 132V-12-413 Bribery.** No person seeking appointment to or promotion in the classified staff service shall give, render or pay any money, service or any other valuable thing to any person in connection with his test, appointment or promotion.

[Order, § 132V-12-413, filed 10/28/68.]

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

[Order, § 132V-12-416, filed 10/28/68.]

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

[Order, § 132V-12-419, filed 10/28/68.]

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

[Order, § 132V-12-422, filed 10/28/68.]

## RECORDS AND REPORTS

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

[Order, § 132V-12-425, filed 10/28/68.]

**WAC 132V-12-428 Roster.** The director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class

title, the organizational unit assignment, salary employment data as he deems pertinent.

[Order, § 132V-12-428, filed 10/28/68.]

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

[Order, § 132V-12-431, filed 10/28/68.]

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

[Order, § 132V-12-434, filed 10/28/68.]

## Chapter 132V-15 WAC

### CONFIDENTIALITY OF STUDENT RECORDS

#### WAC

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**WAC 132V-15-010 General policy.** The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which requires institutions of higher education to establish written policies and guidelines governing the review, inspection, release, confidentiality and maintenance of students' educational records. Tacoma Community College hereby establishes the policies and guidelines in this chapter to comply with the intent of the act and to ensure that the educational records and personally identifiable information of its students are treated responsibly.

[Statutory Authority: RCW 28B.50.140(13), 96-16-034, § 132V-15-010, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-010, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-020 Definitions.** (1) Act: The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), as amended.

(2) College: Tacoma Community College, District 22, and its personnel and facilities.

(3) College official: A college employee acting in the student's educational interest within the limitations of his/her need to know. May include faculty, administrators, clerical and professional employees and other persons who manage student records information.

(4) Directory information: Information authorized for external release by the college without the student's written consent shall include student name, degrees and awards received. The college may also confirm dates of attendance, date of birth, major field of study, participation in officially recognized sports and activities and the most recent previous educational institution attended.

(5) Disclosure: Permitting access to or the release, transfer or other communication of a student's educational records or other personally identifiable information orally, in writing, by electronic means or any other means to any party.

(6) Educational records:

(a) Are those documents, materials, files, transcripts or other such information directly related to a student and maintained by the college. May be referred to as "records" in this chapter.

(b) The term "educational records" does not include the following:

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

(ii) Records and documents of the security department which are kept apart from records described in (a) of this subsection, are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose; however, employee records relating to an individual in attendance at the college who is employed as a result of his or her status as a student would be considered educational records; or

(iv) Records concerning 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 provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician, or other appropriate professional of the student's choice; or

(v) Records created after a student is no longer a student, such as alumni records and the college foundation giving records.

(7) Eligible student: A student who has reached the age of 18 or is officially enrolled in classes at the college. Interchangeably used with "student" in this chapter.

(8) Legitimate educational interest: The demonstrated need to know by college officials determined to act in a student's educational interest. May include faculty, administrators, clerical and professional employees, and other persons who manage student records information.

(9) Office of record: The official site where the originals of specific student records are maintained and authorized for student access.

(10) Parent: The mother, father, legal guardian of a student or the individual authorized to act on behalf of the student.

(11) Personally identifiable information: Data or documents which include

(a) The name of the student, the student's parents or other family members;

(b) The student's address;

(c) A personal identifier such as a Social Security or student number; and

(d) A list of personal characteristics or other information which would make the student's identity easily traceable.

(12) Instructional day: Any day or evening, excluding Saturdays and Sundays, on which classes or examinations are scheduled and held.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-020, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-020, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-030 Type—Location—Responsibility of records.** (1) The college maintains the following student educational records in the offices of record listed and under the control of the designated college official:

(a) Admissions center - A designated records custodian oversees the maintenance and processing of student applications for admission, residency and materials which influence student access to the college.

(b) Advising center - A designated records custodian is responsible for creating, maintaining and processing student educational records, such as copies of registration forms, unofficial transcripts and assessment scores.

(c) Cooperative education - A designated records custodian reviews, monitors and maintains such student records as program orientation forms, student enrollment forms and program evaluation forms.

(d) Counseling and career information center - A designated records custodian is responsible for the maintenance, security and access of such student educational records as interest inventories, advising transcripts, test scores, agency evaluations, and individual counseling case notes.

(e) Adult learning center - A designated records custodian is responsible for the development and retention of student attendance and academic progress records.

(f) Financial aid office - A designated records custodian is charged with collecting, analyzing, processing and maintaining personal fiscal data of students to assist in determining their eligibility for financial aid. Student records generated from this office include those associated with grants, loans, scholarships, employment and job placement.

(g) Registration/records center - The registrar is responsible for maintenance, security and access of student registration, transcript and graduation records.

(h) Veterans services - A designated records custodian collects and maintains for veteran students such records as forms for verification of enrollment for program completion and others which are required for compliance with Veteran Administration guidelines.

(i) Security and parking services - A designated records custodian is assigned the responsibility of processing and maintaining incident reports.

(j) International student services - A designated records custodian manages such student records as high school transcripts from foreign countries; copies of I-20 identification cards; copies of I-94s; the student's arrival documents; copies of visas; copies of I-538s; reinstatement forms; proofs of financial support; proofs of English proficiency; and proofs of student transfers.

(k) Student assessment office - A designated records custodian is responsible for the reporting and maintenance of assessment scores.

(l) Dean of student services office - A designated records custodian is responsible for maintaining academic standards records and student discipline records.

(m) Occupational education - The occupational program coordinators service as designated records custodians responsible for those student records essential to document admissions criteria, program progress, and program completion.

(n) Off-campus centers and continuing education - A designated records custodian is responsible for maintenance, security and access to student registration and fee collection records at each site.

(o) Business office - A designated records custodian is responsible for student fee payment records.

(p) Occasional records - The appropriate college official for student educational records not listed above will collect and maintain such occasional records.

(2) The college shall retain the educational records of students pursuant to the retention schedules established by each office of record.

(3) The college shall establish a student educational records retention system in such other offices of record which may be created.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-030, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-030, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-040 Right to review and inspect records.** (1) A student shall have the right to review and inspect his/her educational records provided he/she:

(a) Identifies the specific record(s) to be reviewed. In some instance, written requests for information will be required;

(b) Presents identification sufficient to validate his/her identity;

(2) After a student submits such a request, the college official of the office of record shall respond to the request within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(3) A student authorized to review or inspect his/her educational records shall be accompanied by a staff person of the office of record assigned to explain and interpret the record(s) of interest.

(4) A student may have copies made of his/her educational records provided no financial hold has been placed on his/her records by any administrative unit. All copies produced shall be at the student's expense, and he/she shall be charged a fee set by the TCC board of trustees.

(5) A student shall maintain his/her right to review and inspect his/her educational records irrespective of his/her outstanding financial obligation to the college.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-040, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-040, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-050 Rights of student.** (1) If, after a review of his/her records, a student believes they contain information that is inaccurate, misleading or in violation of his/her privacy or other rights, the student may submit a written appeal to the dean of student services.

(2) Within a reasonable time, but no more than twenty instructional days after the receipt of an appeal, the dean of student services shall establish an ad hoc committee consisting of two students, two faculty, one classified staff member, and one administrator to review the appeal.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-050, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-050, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-060 Conduct of appeal.** (1) A hearing shall normally be held within twenty instructional days after the dean of student services receives the appeal.

(2) The hearing shall be conducted by the dean of student services or his/her designee who shall be an official of the college who does not have a direct interest in the final decision of the committee.

(3) In presenting his/her appeal, the student may have assistance from or be represented by an individual or an attorney of his/her choice and at his/her own expense. The college may choose to be represented by its assistant attorney general.

(4) Within ten instructional days after the hearing the dean of student services or his/her designee shall prepare a final written decision based solely on the evidence presented during the hearing. A copy of the final decision shall be made available to the student.

(5) If the final decision of the dean of student services mandates amendments to the student's educational records, the college official of the office of record shall make said amendments within ten instructional days after the notification and so inform the student in writing.

(6) If the student disagrees with the final decision, he/she shall have the right to place a statement to this effect in his/her educational records. This statement shall be retained in the student's file and shall become a permanent part of the student's education record for as long as the record is maintained.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-060, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-060, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-070 Limitations on a student's right to review and inspect.** (1) Pursuant to section 438 of the act, the college shall not permit a student to review and inspect the following records:

(a) The confidential financial records and statements of parents or any information contained in such records/statements;

(b) Confidential letters and confidential statements of recommendation which were placed in the educational records of the student prior to January 1, 1975; provided that the letters/statements were solicited with the written assurance of confidentiality and are to be used only for the purposes for which they were specifically intended;

(c) Confidential letters of recommendation and confidential statements of recommendations which were placed in the educational records of the student after January 1, 1975 pertaining to admission to an educational institution, to an application for employment, or to the receipt of an honor or honorary recognition which a student has waived his/her inspection/review rights under WAC 132V-15-080; and

(d) The educational records of a student which contains information on more than one student. Only the specific information pertaining to the student requesting access shall be considered for release.

(2) The college shall retain the educational records of students pursuant to the retention schedules established by each office of record.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-070, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-070, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-080 Waiving right to inspect and review.** (1) A student may waive any or all of his/her all rights under the act, subject to the following:

(a) That the college did not require the waiver;

(b) That no college services be denied a student who fails to supply a waiver;

(c) That he/she completes and signs TCC Form TCC-REG-062, and identifies which records may be examined; and

(d) That the documents to which a student has waived the right to access are used only for the purposes for which they were collected. If the college uses them for other purposes, the waiver shall be voided and the documents may be inspected.

[Statutory Authority: RCW 28B.50.140(13). 89-20-013 (Order 89-1), § 132V-15-080, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-090 Third party access to records—External.** (1) The college may authorize the following persons/agencies to have access to students' educational records or other personally identifiable information without consent:

(a) Officials of other schools or school systems or institutions in which the student seeks or intends to enroll;

(b) Persons in connection with a student's application for or receipt of financial aid;

(c) Accrediting agencies carrying out their accreditation function;

(d) Persons in compliance with a judicial order after written notification to the student;

(e) Persons acting pursuant to any lawfully issued subpoena;

(f) Persons, in response to an emergency, whose actions are considered to protect the health or safety of students or other persons;

(g) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction and/or services; Provided, that the studies are conducted in a manner which will not permit the personal identification of student and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, federal, state and local agencies, and independent organizations;

(h) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974;

(i) Alleged victim of any crime may obtain the results of any disciplinary proceeding conducted by the college against the alleged perpetrator of such crime with respect to such crime; and

(j) Public requesting information designated as directory information by the college.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-090, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-090, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-100 Third party access to records—Internal.** (1) Within the Tacoma Community College community, only those persons, individually and collectively, acting in the student's educational interest shall be allowed access to a student's educational records or other personally identifiable records. These persons include employees in the

(a) Admissions, advising, assessment and registration centers;

(b) Financial aid office;

(c) Office of the dean of student services;

(d) Security and parking services; and

(e) Offices of record; and

(f) Other college officials within the limitations of their need to know.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-100, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-100, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-110 Student records as directory information.** (1) A student may withhold from release directory information by completing TCC Form TCC-REG-062 and submitting it to the registrar or by notifying the registrar in writing within two weeks after the first day of classes for any quarter.

(2) The college will honor a student's request for nondisclosure for only the current academic year; therefore, a student must file a request to withhold directory information annually.

(3) The college may release directory information by telephone.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-110, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-110, filed 9/26/89, effective 10/27/89.]

#### **WAC 132V-15-120 Annual notification on rights.**

(1) The college shall notify students and parents of students currently in attendance of their rights under the act

(a) By making copies of this chapter available in the admissions and registration centers during fall quarter registrations for currently-enrolled, new and returning students;

(b) By publishing an announcement regarding the existence of this chapter in the college quarterly mailer;

(c) By publishing a summary of this chapter in the college's biennial catalog.

[Statutory Authority: RCW 28B.50.140(13). 96-16-034, § 132V-15-120, filed 8/1/96, effective 9/1/96; 89-20-013 (Order 89-1), § 132V-15-120, filed 9/26/89, effective 10/27/89.]

### **Chapter 132V-22 WAC**

#### **FACULTY TENURE RIGHTS AND PROCEDURES**

##### **WAC**

132V-22-010	Purpose—Tenure.
132V-22-020	Definitions.
132V-22-030	Composition of review committees.
132V-22-040	Duties and responsibilities of review committee.
132V-22-050	Procedure relating to the dismissal for cause of tenured and probationary faculty members.
132V-22-060	Preliminary procedure relating to the dismissal for cause of a tenured or probationary faculty member.
132V-22-100	Procedure relating to reduction in force.
132V-22-200	Hearing procedure relating to dismissal for cause and reduction in force.

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

132V-22-070	Designation of administrative appointments. [Order 9, § 132V-22-070, filed 3/1/73; Order 3, § 132V-22-070, filed 5/29/70.] Repealed by Order 16, filed 12/28/73.
132V-22-080	Confidentiality of reports. [Order 3, § 132V-22-080, filed 5/29/70.] Repealed by Order 16, filed 12/28/73.
132V-22-110	Procedure. [Order 14, § 132V-22-110, filed 6/29/73.] Repealed by Order 16, filed 12/28/73.

**WAC 132V-22-010 Purpose—Tenure.** The board of trustees of Community College District 22 hereby establishes the following rules on academic employee tenure. The purpose of [tenure] is twofold:

(1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Tacoma Community College and all subsequent community colleges hereafter established within Community College District 22; and

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

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-010, filed 3/19/81; Order 16, § 132V-22-010, filed 12/28/73; Order 3, § 132V-22-010, filed 5/29/70.]

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

**WAC 132V-22-020 Definitions.** As used in this chapter, the following terms and definitions shall mean[:]

(1) "Appointing authority" shall mean the board of trustees of Community College District 22.

(2) The definitions of "tenure," "faculty appointment," "probationary faculty appointment," "probationer," and "administrative appointment," shall be the same as are contained within RCW 28B.50.851 as now or hereafter amended.

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

(4) "President" shall mean the president of Tacoma Community College [and of any other college hereafter established within Community College] District 22, or in such president's absence, the acting president.

(5) "College" shall mean Tacoma Community College and any subsequent community college hereafter established within Community College District 22.

(6) "Tenure review committee" shall mean a committee composed of [three academic employees] who hold [tenured] faculty appointments a division chairman, or management supervisor and a student appointed pursuant to WAC 132V-22-030.

(7) "Full time" shall mean an appointment which is consistent with the full-time contractual assignment specified within Article 6.00 of the negotiated agreement.

(8) "Dismissal" shall mean the termination of a tenured faculty appointment or a probationary faculty appointment by the appointing authority.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-020, filed 3/19/81; Order 16, § 132V-22-020, filed 12/28/73; Order 9, § 132V-22-020, filed 3/1/73; Order 3, § 132V-22-020, filed 5/29/70.]

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

**WAC 132V-22-030 Composition of review committees.** (1) A separate tenure review committee, which shall serve as a standing committee until such time as the appointment is terminated, shall be established for each full-time probationer.

(2) Each [tenure] review committee shall be composed of five persons: Three shall be tenured faculty appointees selected by a majority of the tenured faculty members and faculty department heads acting in a body prior to October 15 of the probationer's first full regular college year of employment; one shall be the probationer's division chairman (or his/her management supervisor if he/she is not supervised by a division chairman); one shall be a student representative who shall be a full-time student and who shall be chosen by the student association of the college in such a manner thereof shall determine. Each tenure review committee shall select its own chairman. If the elected chairman fails to perform his/her required duties in the time period specified, management shall appoint a chairman from among the other committee members to fulfill the responsi-

bilities. Each review committee shall meet at the call of the chairman when, in his/[ ]her discretion, the need for such meeting arises, provided, that the committee shall meet with the probationer at least twice during each winter quarter. Additionally, the committee shall meet within ten days after the chairman receives the probationer's written request which states the purpose of the meeting.

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

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-030, filed 3/19/81; Order 16, § 132V-22-030, filed 12/28/73; Order 9, § 132V-22-030, filed 3/1/73; Order 3, § 132V-22-030, filed 5/29/70.]

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

**WAC 132V-22-040 Duties and responsibilities of review committee.** (1) The general duty and responsibility of the tenure review committee shall be to assess and advise the probationer of his/her professional strengths and weaknesses and to make reasonable efforts to encourage and aid him/her to overcome his/her deficiencies.

(2) The first order of business for each tenure review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his/her appointment. In determining professional competence, the committee shall give due consideration to the criteria under which the employee was hired, as established by the probationer's department, program, or advisory group. A review committee's evaluation procedures should include, as it deems necessary, the following:

(a) Classroom observations by members of the tenure review committee;

(b) Student evaluation administered by a member of the review committee;

(c) Assessment of the probationer's contributions to the department, program[,] division, and institution by the department or program, and division heads and other faculty; and

(d) Self-evaluation.

(3) Each tenure review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the president, probationer, and the appointing authority on or before the designated times during each regular college year that such appointee is on a probationary status, or, as is also required, within fifteen days of the president's written request therefor:

(a) A written evaluation of each full-time probationary faculty appointee's performance, including the degree to which the probationer has overcome stated deficiencies, on or before February 15. The review committee shall obtain

the appointee's written acknowledgment of receipt of the written evaluation.

(b) A written recommendation regarding the employment or nonemployment of the probationer for the ensuing regular college year on or before February 15.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted during the regular college year deemed appropriate by each review committee, provided that during such probationer's third regular college year of appointment the review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure. The failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall require that the probationer's supervising dean make a written recommendation as to the award or nonaward of tenure by the following February 25.

(4) The appointing authority shall be required to give reasonable consideration to any recommendation of a review committee and is not bound thereby.

(5) All written evaluations and recommendations prepared and submitted by a review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(6) If the probationer disagrees with the review committee's recommendation as to the award or nonaward of tenure, the probationer shall be provided an opportunity to challenge the review committee's recommendations before a committee of the appointing authority.

(7) On or before the last day of the winter quarter of each regular college year of a probationary appointment, the appointing authority shall notify the probationer of their decision to either grant him/her tenure or not renew his/her appointment for the ensuing year.

(8) The decision of the appointing authority to not rehire a probationary academic employee for a second or third year of the probationary period or to not grant tenure is final, and the academic employee affected by this decision shall not have access to the hearing procedure relating to dismissal for cause and reduction in force as provided by section 12.32 of the negotiated agreement, but the academic employee may submit written appeal and appear, in person, at the next board meeting following such nonrenewal.

(9) As per chapter 112, Laws of 1975, 1st ex. sess., those academic employees funded more than fifty-one of their annual salaries by other than state funds are nontenurable, per WAC 131-16-400. Inclusion of this paragraph shall not limit the union in its court appeal of this law, rulings pursuant thereto and its effect on present employees in this category. Management will make every effort to shift presently affected employees to tenurable jobs as they become available. Management and the union agree to make necessary modifications in this section in order to bring it into compliance with subsequent court decisions, if any.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-040, filed 3/19/81; Order 16, § 132V-22-040, filed 12/28/73; Order 9, § 132V-22-040, filed 3/1/73; Order 3, § 132V-22-040, filed 5/29/70.]

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

**WAC 132V-22-050 Procedure relating to the dismissal for cause of tenured and probationary faculty members.** A tenured faculty member shall not be dismissed by the college except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause may include, but is not limited to:

(1) Demonstrated incompetency in his/her professional assignment;

(2) Proven neglect of recognized duties;

(3) Proven insubordination;

(4) Diagnosed physical or mental inability to perform assigned duties[;][:]

(5) Convicted of any unlawful act of violence during the period of employment;

(6) Convicted of any unlawful act resulting in destruction of college property;

(7) Convicted of any unlawful interference with the orderly conduct of the educational process.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-050, filed 3/19/81; Order 16, § 132V-22-050, filed 12/28/73; Order 3, § 132V-22-050, filed 5/29/70.]

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

**WAC 132V-22-060 Preliminary procedure relating to the dismissal for cause of a tenured or probationary faculty member.** When reason arises to question the fitness of an academic employee, the initial step shall be for the appropriate administrative officer to discuss the matter with him/her in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college deems that the case warrants dismissal, the dismissal process shall be governed by the following procedure:

[(1)] At least fifteen calendar days prior to the effective date of the dismissal action and at least thirty days prior to the convening of the dismissal for cause committee, the academic employee, who is to be dismissed by the appointing authority, and the union shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or shall be mailed by certified return receipt mail to the academic employee's last known address.

[(2)] A dismissal review committee will be established. The dismissal review committee shall be the same [as the] tenure review committee. If the tenure review committee is no longer available the dismissal review committee shall have the same membership as required for a tenure review committee for a probationary academic employee. The members representing the academic employees shall be selected by a majority of the academic employees and department chairmen acting as a body. The president shall deliver to the review committee the statement of charges provided to the employee.



[(3)] Remaining steps in the procedure for dismissal for cause of tenured or probationary faculty members are as specified in WAC 132V-22-200 of these rules.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-060, filed 3/19/81; Order 16, § 132V-22-060, filed 12/28/73; Order 15, § 132V-22-060, filed 6/29/73; Order 3, § 132V-22-060, filed 5/29/70.]

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

**WAC 132V-22-100 Procedure relating to reduction in force.** (1) Definition: A reduction in force is a dismissal of faculty members without prejudice and for adequate cause which shall include lack of funds and necessary curtailment of work.

(2) Layoff units and procedure for assignment:

(a) A full-time academic employee's assignment to a layoff unit will be that within which his/her job responsibility is classified.

(b) For the duration of this agreement, the layoff units and assignments thereto, as agreed to in the union-management meeting of February 3, 1974, or the most recent updating of those layoff units and assignments thereto, shall be used as the basis of reduction in force. A person may be assigned to only one layoff unit even though he/she is teaching in more than one unit.

(c) The institutional seniority list, which is to be published annually by November 1st of each year, under article 9 of the negotiated agreement, will also include the layoff unit to which an academic employee is currently assigned.

(3) Alternatives to reduction in force: Alternatives to reduction in force shall be implemented by management prior to the initiation of reduction in force procedures. The application of these alternatives will be handled through the appropriate division and department. A full-time employee will be given sections normally staffed by part-time employees before being offered other alternatives to reduction in force. Such alternatives may include, but not be limited to, those in article 6.00 of the negotiated agreement.

An academic employee's agreement to one or any combination of the above-referenced alternatives, or any other alternative agreed to, will be submitted in writing to the college president.

(4) Basis for reduction: If the number of full-time contracted academic employees is to be reduced, the college president, with advice from the appropriate supervising administrators and department chairmen shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determination on reductions, the college president shall consider the following factors:

(a) Budget limitations, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.

(b) The enrollment, the trends in enrollment, and their effect upon the department or program.

(c) The present and anticipated service needs of the college and its students and prospective students.

(d) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

Before arriving at proposed reduction in force decisions, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.

(5) Order of reduction: If a reduction is determined to be necessary within a layoff unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction in force. First consideration will also be given to seniority as defined in article 9.00 of the negotiated agreement, provided that such consideration results in the retention of qualified academic employees to replace and perform the necessary duties of the personnel reduced. In determining what duties an academic employee is qualified to perform, the president will consider, but not be limited to:

(a) General professional experience;

(b) Actual work experience in the area under consideration; and

(c) Educational background.

(6) Right to recall: A full-time faculty member whose contract is not renewed as a result of this reduction in force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy: *Provided*, That the individual is determined to be qualified for such position by the president of the college following recommendations by the supervising dean, department chairman and/or program director. The right of recall shall extend two years from date of layoff.

(7) Reduction in force review committee: A reduction in force review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body, one administrator who shall be appointed by the college president, and one student representative who shall be chosen by the student association of the college in such a manner as the members thereof shall determine.

(8) Preliminary procedure for reduction in force: When reason arises to dismiss an academic employee as a result of reduction in force, the initial step shall be for the appropriate administrative officer to discuss the matter with him/her in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college still deems dismissal to be necessary, the dismissal process shall be governed by the following procedure:

(a) At least thirty calendar days prior to the convening of the dismissal review committee, the union and the academic employee who is threatened with dismissal by the appointing authority shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee, it shall be mailed by certified

return receipt mail to the academic employee's last known address.

(b) A reduction in force review committee will be established. The reduction in force review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available, the reduction in force review committee shall have the same membership as required for a tenure review committee for a probationary academic employee. The members representing academic employees shall be selected by a majority of the academic employees and department chairmen acting as a body. The president shall deliver to the reduction in force review committee the statement of charges provided to the employee.

(c) In the event of a reduction in force, the reduction in force review committee shall conduct a hearing. At the hearing, the academic employee affected shall have the opportunity to be represented by counsel, to respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, the academic employee shall have the opportunity for his counsel to protect his due process rights to respond to and present evidence and arguments on all issues involved and to examine and cross-examine witnesses.

(d) Subsequent steps in the procedure for reduction in force are specified in WAC 132V-22-200 of these rules.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-100, filed 3/19/81; Order 16, § 132V-22-100, filed 12/28/73; Order 14, § 132V-22-100, filed 6/29/73.]

**WAC 132V-22-200 Hearing procedure relating to dismissal for cause and reduction in force.** (1) The required notice of dismissal for cause or reduction in force to the affected academic employee(s) shall include notice of the right of a hearing before the review committee and that if the affected employee does not request such a hearing, from the president of the college within ten days after the effective date of separation from the payroll. Management will request a written determination from the employee as to whether he/she wishes to avail themselves of the right to a hearing. If after five additional days the academic employee fails to respond, this failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing under the provisions of this negotiated agreement.

(2) In the event the president receives a request for a hearing, all parties shall be afforded an opportunity for a hearing after not less than twenty days' notice. The notice shall include:

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

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

(c) A reference to the particular rules of the colleges that are involved;

(d) A short and plain statement [of] [to] the matters asserted.

(3) Prior to the time of the hearing, the board and the union shall request an impartial hearing officer from the public employment relations commission to sit as a nonvoting member of the committee. It shall be his/her responsibility to:

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

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

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

(d) Prepare the record if requested under subsection (6) herein.

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all [issues] [issued] involved, and to examine and cross-examine witnesses.

(5) Oral proceedings shall be transcribed, if necessary, for the purposes of rehearing or court reviews. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request [thereof] [thereof] and payment of the costs thereof.

[(6)] The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions; and

(f) Any decision[s], opinion, or report by the officer or committee chairman presiding at the hearing.

(7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

[(8)] The college or its authorized hearing officer or committee may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence. No person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of common law;

(b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the college. No person shall be compelled to divulge information which he/she could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties.

(9) Within twenty days following the review hearing, the review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing authority. A copy of the recommendations shall be given [to] the academic employee involved and the president.

(10) The board shall meet within thirty days after receipt of the dismissal review committee recommendations to consider those recommendations. The academic employee affected by the review committee recommendations may request a hearing before the board within ten days after receipt of the said recommendations. If board action affects academic employees other than the academic employee

against whom dismissal action was originally taken, those academic employees shall be guaranteed protection of the entire dismissal for cause hearing procedure provided for herein. Within thirty days after the hearing before the board, the appointing authority shall inform the affected academic employee of their decision by letter.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-200, filed 3/19/81; Order 16, § 132V-22-200, filed 12/28/73.]

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

## Chapter 132V-24 WAC PUBLIC RECORDS

### WAC

132V-24-010	Purpose.
132V-24-020	Definitions.
132V-24-030	Description of central and field organization of Community College District No. 22.
132V-24-040	Operations and procedures.
132V-24-050	Public records available.
132V-24-060	Public records officer.
132V-24-070	Office hours.
132V-24-080	Requests for public records.
132V-24-090	Copying.
132V-24-100	Exemptions.
132V-24-110	Review of denials of public records requests.
132V-24-120	Protection of public records.
132V-24-130	Records index.
132V-24-140	Adoption of form.
132V-24-990	Appendix "A"—Request for public record to Community College District No. 22.

**WAC 132V-24-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Community College District No. 22 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 - 32 of that act, dealing with public records.

[Order 11, § 132V-24-010, filed 4/27/73.]

**WAC 132V-24-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) **Community College District No. 22.** The Community College District No. 22 is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. 22 shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the staff and board of trustees employees of the district.

[Order 11, § 132V-24-020, filed 4/27/73.]

**WAC 132V-24-030 Description of central and field organization of Community College District No. 22.** District No. 22 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Tacoma Community College, 6501 South 19th Street, Tacoma, Washington 98466.

[Statutory Authority: 1973 c 1 §§ 25-32. 96-16-035, § 132V-24-030, filed 8/1/96, effective 9/1/96; Order 11, § 132V-24-030, filed 4/27/73.]

**WAC 132V-24-040 Operations and procedures.** The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the first Thursday of each month at 4:00 p.m. in the Baker Room of Tacoma Community College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

[Statutory Authority: 1973 c 1 §§ 25-32. 96-16-035, § 132V-24-040, filed 8/1/96, effective 9/1/96; Order 11, § 132V-24-040, filed 4/27/73.]

**WAC 132V-24-050 Public records available.** All public records of the district, as defined in WAC 132V-24-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132V-24-100.

[Order 11, § 132V-24-050, filed 4/27/73.]

**WAC 132V-24-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 11, § 132V-24-060, filed 4/27/73.]

**WAC 132V-24-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 11, § 132V-24-070, filed 4/27/73.]

**WAC 132V-24-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the

agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

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

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

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

[Order 11, § 132V-24-080, filed 4/27/73.]

**WAC 132V-24-090 Copying.** No fee shall be charged for the inspection of public records. The district shall charge a fee set by the TCC board of trustees for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: 1973 c 1 §§ 25-32. 96-16-035, § 132V-24-090, filed 8/1/96, effective 9/1/96; Order 11, § 132V-24-090, filed 4/27/73.]

**WAC 132V-24-100 Exemptions.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132V-24-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

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

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[Order 11, § 132V-24-100, filed 4/27/73.]

**WAC 132V-24-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

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

[Order 11, § 132V-24-110, filed 4/27/73.]

**WAC 132V-24-120 Protection of public records.** Requests for public records shall be made in the administration building (Building 13) of Tacoma Community College. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at Tacoma Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132V-24-090.

[Statutory Authority: 1973 c 1 §§ 25-32. 96-16-035, § 132V-24-120, filed 8/1/96, effective 9/1/96; Order 11, § 132V-24-120, filed 4/27/73.]

**WAC 132V-24-130 Records index.** (1) **Index.** The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.

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

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

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

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

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

(2) **Availability.** The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 11, § 132V-24-130, filed 4/27/73.]

**WAC 132V-24-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record."

[Order 11, § 132V-24-140, filed 4/27/73.]

**WAC 132V-24-990 Appendix "A"—Request for public record to Community College District No. 22.**

Appendix "A"

Request for public record to  
Community College District No. 22

- (a) Signature ..... Signature (Please Print) .....
- .....
- Name of Organization, if Applicable .....
- .....
- Mailing Address of Applicant ..... Phone Number .....
- (b) Date Request Made at ..... Time of Day .....
- Community College District No. 22 ..... Request Made .....
- (c) Nature of Request .....
- .....
- .....
- (d) Identification Reference on Current Index ..... Please Describe .....
- .....
- .....
- (e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Community College District No. 22's Current Index .....
- .....
- .....
- .....

Request: Approved ..... By .....  
Date ..... Public Records Officer

Denied Date .....

Reasons for Denial: .....

Referred to ..... By .....  
Date ..... Public Records Officer

[Order 11, Appendix A (codified as WAC 132V-24-990), filed 4/27/73.]

**Chapter 132V-112 WAC  
ELECTION PROCEDURES**

- WAC**
- 132V-112-003 Purpose.
- 132V-112-006 Request for election—Canvass of academic employees by independent and neutral person or association.
- 132V-112-009 Notice of election—Organizations to be included on ballot—Time for filing.
- 132V-112-012 Contents of notice of election—Designation of chief election officer—Duties.
- 132V-112-015 List of academic employees—Posting of list.
- 132V-112-018 Election inspectors—Duties—Right to challenge voter—Improper conduct.
- 132V-112-021 Ballots.
- 132V-112-024 Record of vote—Signature—Challenge.
- 132V-112-027 Incorrectly marked ballot.
- 132V-112-030 Privacy for voter—Equipment.
- 132V-112-033 Folding ballot—Ballot box.
- 132V-112-036 Challenged ballot—Procedure.
- 132V-112-039 Employees present entitled to vote—Sealing ballot box—Unused ballots.
- 132V-112-042 Election inspectors duties after voting has terminated.
- 132V-112-045 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.
- 132V-112-048 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
- 132V-112-051 Electioneering within the polls forbidden.
- 132V-112-054 Contest of election—Time for filing objections—Investigation of objections.
- 132V-112-057 Persons eligible to vote—Definition of "academic employee."
- 132V-112-060 Election determined by majority of valid votes cast—Run-off election.
- 132V-112-063 Time lapse for new election.

**WAC 132V-112-003 Purpose.** Pursuant to chapter 196, Laws of 1971 ex. sess., the board of trustees of Community College District No. 22 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees of Community College District No. 22 and the board of trustees of Community College District No. 22.

[Order 7, § 132V-112-003, filed 6/27/72.]

**WAC 132V-112-006 Request for election—Canvass of academic employees by independent and neutral person or association.** Any organization of academic employees of Community College District No. 22 desiring to be recognized as the majority organization representing such employees pursuant to chapter 196, Laws of 1971 ex. sess., shall request in writing of the board of trustees of Community College District No. 22 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the act. Upon the receipt of such a request the board of trustees of Community College District No. 22 will request some independent and neutral person or association to determine whether thirty per cent or more of the academic employees of Community College District No. 22 have indicated that

they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues, paying memberships, signed authorizations to represent, or other reliable and probative evidence.

[Order 7, § 132V-112-006, filed 6/27/72.]

**WAC 132V-112-009 Notice of election—Organizations to be included on ballot—Time for filing.** If the independent and neutral person or association determines that thirty per cent or more of the academic employees of Community College District No. 22 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 22 will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District No. 22 desire the requesting organization or any other organization to represent them for the purposes of chapter 196, Laws of 1971 ex. sess. Any other organization of academic employees desiring to be designated as the majority organization representing such employees shall, within seven days after publication of such notice by the board of trustees of Community College District No. 22, file with the board of trustees a request in writing that its name be included on the ballot in the election to be held together with written proof of at least ten percent representation of the academic employees of the district. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within seven days after the publication of the notice that an election will be held.

[Order 7, § 132V-112-009, filed 6/27/72.]

**WAC 132V-112-012 Contents of notice of election—Designation of chief election officer—Duties.** The notice published by the board of trustees of Community College District No. 22, pursuant to WAC 132V-112-009, shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to WAC 132V-112-003 through 132V-112-063.

[Order 7, § 132V-112-012, filed 6/27/72.]

**WAC 132V-112-015 List of academic employees—Posting of list.** In any election conducted pursuant to WAC 132V-112-003 through 132V-112-063, lists of academic employees eligible to vote shall be prepared by the board of trustees listing academic employees by voting places. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of an academic employee to vote in the election.

[Order 7, § 132V-112-015, filed 6/27/72.]

**WAC 132V-112-018 Election inspectors—Duties—Right to challenge voter—Improper conduct.** The election officer shall designate at least one inspector for each

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polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the college district office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge, the ballot of that person shall be treated as provided in WAC 132V-112-024 and 132V-112-036 through 132V-112-048. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the result of the voting at the polling place at which they serve as observers.

[Order 7, § 132V-112-018, filed 6/27/72.]

**WAC 132V-112-021 Ballots.** The ballots used in any election held pursuant to WAC 132V-112-003 through 132V-112-063 shall be in the following form:

To select for representation purposes pursuant to chapter 196, Laws of 1971 ex. sess., a majority organization to represent academic employees of Community College District No. 22.

	Vote for one
ORGANIZATION X	<input type="checkbox"/>
ORGANIZATION Y	<input type="checkbox"/>
NO ORGANIZATION (neither)	<input type="checkbox"/>

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark this ballot or otherwise spoil it, you may return it to the chief election officer or his inspector and obtain a new ballot.

[Order 7, § 132V-112-021, filed 6/27/72.]

**WAC 132V-112-024 Record of vote—Signature—Challenge.** At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting list for the polling place at which he votes. Each academic employee may cast only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge to his right to cast a ballot in an election.

[Order 7, § 132V-112-024, filed 6/27/72.]

**WAC 132V-112-027 Incorrectly marked ballot.** Any voter who incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter.

[Order 7, § 132V-112-027, filed 6/27/72.]

**WAC 132V-112-030 Privacy for voter—Equipment.** Voters shall be provided with tables or desks so arranged

that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it.

[Order 7, § 132V-112-030, filed 6/27/72.]

**WAC 132V-112-033 Folding ballot—Ballot box.**

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

[Order 7, § 132V-112-033, filed 6/27/72.]

**WAC 132V-112-036 Challenged ballot—Procedure.**

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

[Order 7, § 132V-112-036, filed 6/27/72.]

**WAC 132V-112-039 Employees present entitled to vote—Sealing ballot box—Unused ballots.** At the time for closing the polls, all academic employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

[Order 7, § 132V-112-039, filed 6/27/72.]

**WAC 132V-112-042 Election inspectors duties after voting has terminated.** When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the community college district office the following: 1) Signed voting list of eligible academic employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast.

[Order 7, § 132V-112-042, filed 6/27/72.]

**WAC 132V-112-045 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.** The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the chief election officer. The challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballot shall be counted as cast.

[Order 7, § 132V-112-045, filed 6/27/72.]

**WAC 132V-112-048 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.** When ballot boxes from all

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

[Order 7, § 132V-112-048, filed 6/27/72.]

**WAC 132V-112-051 Electioneering within the polls forbidden.** No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

[Order 7, § 132V-112-051, filed 6/27/72.]

**WAC 132V-112-054 Contest of election—Time for filing objections—Investigation of objections.** Any organization, the name of which appears on the ballot, or any academic employee may within five days after the certification of the results of an election under the provisions of WAC 132V-112-048, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132V-112-012. The election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the board of trustees. If the Board of Trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

[Order 7, § 132V-112-054, filed 6/27/72.]

**WAC 132V-112-057 Persons eligible to vote—Definition of "academic employee."** All academic employees of Community College District No. 22 shall be eligible to vote pursuant to WAC 132V-112-003 through 132V-112-063 who are employed at the time of the election provided

for by such rules and who: 1) Are employed on a full time basis, or 2) if employed on a part time basis, have been employed as an academic employee of the district for at least one other quarter (i.e. fall, winter, spring, or summer quarter) during either the current or the previous academic year. "Academic employee" shall mean any teacher, counselor, librarian, or department head, division head, or administrator, who is employed by Community College District No. 22, with the exception of the chief administrative officer of the district.

[Order 7, § 132V-112-057, filed 6/27/72.]

**WAC 132V-112-060 Election determined by majority of valid votes cast—Run-off election.** An organization of academic employees which receives a majority of the valid votes cast in an election held in accordance with WAC 132V-112-003 through 132V-112-063 shall be recognized as representing the academic employees of Community College District No. 22 pursuant to chapter 196, Laws of 1971 ex. sess. If more than one organization of academic employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot.

[Order 7, § 132V-112-060, filed 6/27/72.]

**WAC 132V-112-063 Time lapse for new election.** If no organization of academic employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of academic employees is selected as bargaining representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

[Order 7, § 132V-112-063, filed 6/27/72.]

## Chapter 132V-116 WAC PARKING AND TRAFFIC RULES AND REGULATIONS

### WAC

132V-116-010	Authority.
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132V-116-250	Issuance of traffic citations.
132V-116-260	Fines and penalties.
132V-116-270	Appeal of fines and penalties.
132V-116-280	Liability of college.

**WAC 132V-116-010 Authority.** Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District 22 empowers the president of the college district to make on-campus parking available for visitors, faculty, students and staff at a fee established and approved by the board. The board further authorizes the president to formulate rules and regulations which ensure the safety of operators of vehicles and pedestrians using the college's streets, crosswalks and paths. (*Tacoma Community College Board Policy Handbook*, Chapter VII, Section 7.1010; 5-76.)

[Order 77-2, § 132V-116-010, filed 6/3/77.]

**WAC 132V-116-020 Purpose.** The rules and regulations contained herein 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 at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the college by assuring access for vehicles.
- (5) To regulate the use of parking spaces.

[Order 77-2, § 132V-116-020, filed 6/3/77.]

**WAC 132V-116-030 Definitions.** For the purposes expressed in this document, the following definitions and terms shall apply:

- (1) **College:** Tacoma Community College, or any additional community college hereafter established within Community College District 22, state of Washington, and those individuals responsible for its control and operation.
- (2) **College community:** Trustees, students, employees, and guests on college-owned or controlled facilities.
- (3) **College facilities:** Any or all property controlled or operated by the college.
- (4) **Student:** Any person enrolled at the college.
- (5) **Safety and security officer:** An employee of the college accountable to the dean of administrative services and responsible for campus security, safety, parking and traffic control.
- (6) **Vehicle:** Any conveyance which can be legally operated on the streets and highways of the state of Washington, or whose primary purpose is recreational.
- (7) **Visitors:** Persons who come upon the campus as guest, and persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in the state of Washington.



(8) **Permanent permit:** A permit which is valid for a college quarter, year or portion thereof.

(9) **Temporary permit:** A permit issued in lieu of a permanent permit for a period designated on the permit.

(10) **Handicapped permit:** A permit issued to a person with a physical, mental or sensory impairment.

(11) **College term:** Unless otherwise designated, the time period commencing with the summer quarter of the calendar year and extending through the subsequent fall, winter, and spring quarters. The summer quarter shall be considered the first quarter of the college year for parking and traffic control purposes.

(12) **Campus:** The grounds and buildings of the college.

[Order 77-2, § 132V-116-030, filed 6/3/77.]

**WAC 132V-116-040 Applicable traffic rules and regulations.** The traffic rules and regulations which are applicable for the college are:

(1) The motor vehicle and traffic codes of the state of Washington.

(2) The traffic ordinances of the city of Tacoma.

(3) The other rules and regulations hereinafter described in this chapter.

[Order 77-2, § 132V-116-040, filed 6/3/77.]

**WAC 132V-116-050 Parking and traffic responsibility.** The dean of administrative services is responsible for parking and traffic management on campus. In general, the responsibility is delegated to the college's safety and security supervisor, who is authorized to coordinate directly with the dean of administrative services and others on campus as required by his/her duties.

[Order 77-2, § 132V-116-050, filed 6/3/77.]

**WAC 132V-116-060 Permits required for motor vehicles on campus.** No student or employee shall stop, park, or leave a motor vehicle, whether attended or unattended, upon the campus without a parking permit issued pursuant to WAC 132V-116-030 (8), (9) or (10), except that:

(1) Any student parking on campus will be given ten days from the beginning of his/her enrollment to obtain a permit from the office of safety and security.

(2) Any employee parking on campus must obtain a permit within ten days after commencing employment with the college, and where applicable, will renew the permit within ten days after its expiration.

[Order 77-2, § 132V-116-060, filed 6/3/77.]

**WAC 132V-116-070 Registration of vehicles.** All students and employees who operate motor vehicles on the campus will register them with the office of safety and security.

[Order 77-2, § 132V-116-070, filed 6/3/77.]

**WAC 132V-116-080 Authorization for issuance of permits.** The office of safety and security is authorized to issue parking permits to members of the college community pursuant to the following regulations:

(1) Students may be issued parking permits upon the registration of their vehicles with the office of safety and security.

(2) Employees may be issued parking permits pursuant to WAC 132V-116-060(2).

(3) Safety and security officers may issue temporary parking permits when such permits are necessary to conduct the business or operation of the college.

(4) Safety and security officers may issue temporary parking permits, not to exceed a period of five working days, for the use of an additional car whenever the registered vehicle is being repaired.

[Order 77-2, § 132V-116-080, filed 6/3/77.]

**WAC 132V-116-090 Parking fees.** Fees for parking in designated areas will be established by the board of trustees.

[Order 77-2, § 132V-116-090, filed 6/3/77.]

**WAC 132V-116-100 Valid permits.** The following are valid permits when they are properly displayed and unexpired:

(1) A permanent permit.

(2) A temporary permit.

(3) A handicapped permit.

[Order 77-2, § 132V-116-100, filed 6/3/77.]

**WAC 132V-116-110 Display of permit.** (1) A permanent parking permit shall be affixed to right rear bumper area of the vehicle. A temporary permit shall be placed within the vehicle on the dashboard where it can be plainly observed.

(2) Permits for motorcycles shall be affixed to the vehicles in visible locations.

[Order 77-2, § 132V-116-110, filed 6/3/77.]

**WAC 132V-116-120 Transfer of permits.** A parking permit is not transferable. If a vehicle is sold or traded, the permit holder may obtain a new permit from the office of safety and security.

[Order 77-2, § 132V-116-120, filed 6/3/77.]

**WAC 132V-116-130 Permit revocation.** Parking permits are the property of the college and may be revoked for any of the following reasons:

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

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

(3) When it is determined that an application has been falsified; or

(4) When it is determined that a permit has been altered.

[Order 77-2, § 132V-116-130, filed 6/3/77.]

**WAC 132V-116-140 Right to refuse permit.** The college reserves the right to refuse the issuance of a parking permit when it is deemed to be in the best interests of the college.

[Order 77-2, § 132V-116-140, filed 6/3/77.]

**WAC 132V-116-150 Responsibility of permit holder.** The permit holder is responsible for all violations of the parking and traffic rules and regulations involving the vehicle for which the permit was issued and to which it was affixed; provided, that such responsibility shall not relieve the operator of the vehicle who violates the rules and regulations. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violation(s) of the college regulations.

[Order 77-2, § 132V-116-150, filed 6/3/77.]

**WAC 132V-116-160 Designation of parking spaces.** Parking spaces shall be designated for the following categories:

- (1) Students
- (2) Employees
- (3) Handicapped persons
- (4) Visitors
- (5) Other business purposes.

[Order 77-2, § 132V-116-160, filed 6/3/77.]

**WAC 132V-116-170 Parking within designated spaces.** All vehicles must be parked in designated spaces only.

(1) No vehicle may be parked in any undesignated area except the following:

- (a) Approved maintenance vehicles.
- (b) Emergency vehicles.
- (c) Approved construction vehicles.
- (d) Approved delivery vehicles.

(2) Unless prior arrangements have been made, no vehicle shall be parked on campus for a period in excess of 72 hours. Vehicles which have been parked in excess of 72 hours may be impounded and stored at the expense of the owner.

(3) No vehicle shall be parked so as to occupy any portion of more than one parking space.

(4) Parking in designated areas will be strictly enforced between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.

[Order 77-2, § 132V-116-170, filed 6/3/77.]

**WAC 132V-116-180 Regulatory signs and directions.** The office of safety and security is authorized to erect signs, barricades, and other structures and to paint marks or other directions upon the entry ways, streets, and parking areas of the campus. Vehicle operators shall observe and obey all regulatory signs and directions and shall comply with traffic control.

[Order 77-2, § 132V-116-180, filed 6/3/77.]

**WAC 132V-116-190 Speed limit.** No vehicle shall be operated on the campus at a speed in excess of 15 miles per hour or as posted. No vehicle shall use the campus parking areas for unauthorized activities.

[Order 77-2, § 132V-116-190, filed 6/3/77.]

**WAC 132V-116-200 Movement of vehicles.** Except as authorized by the office of safety and security, movement of motor vehicle traffic is limited to entrances, drives and parking areas.

[Order 77-2, § 132V-116-200, filed 6/3/77.]

**WAC 132V-116-210 Operation of bicycles.** Bicycle operators shall observe the following rules and regulations:

(1) Bicycles and other nonengine cycles shall be operated in a responsible manner.

(2) No bicycle shall be parked inside a building nor blocking a building entrance.

(3) Bicycles should be secured to racks as provided so as not to endanger pedestrian traffic.

(4) Bicycle operators will observe traffic rules and regulations when operating on entrances, drives, and parking areas.

[Order 77-2, § 132V-116-210, filed 6/3/77.]

**WAC 132V-116-220 Report of accident.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of any amount shall within 24 hours report such accident to the college's office of safety and security. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

[Order 77-2, § 132V-116-220, filed 6/3/77.]

**WAC 132V-116-230 Special traffic and parking regulations and restrictions authorized.** Upon special occasions causing additional and/or heavy traffic and during emergencies, the college's safety and security supervisor is authorized to impose special traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132V-116-020.

[Order 77-2, § 132V-116-230, filed 6/3/77.]

**WAC 132V-116-240 Enforcement.** (1) All parking and traffic rules and regulations shall be enforced throughout the calendar year.

(2) The dean of administrative services or his designee shall be responsible for the enforcement of the rules and regulations contained in this document.

[Order 77-2, § 132V-116-240, filed 6/3/77.]

**WAC 132V-116-250 Issuance of traffic citations.** Safety and security officers or their subordinates will issue citations for any violations of these rules and regulations. Such citations will include the date, approximate time, vehicle identification number, infraction, name of the officer and schedule of fines. The traffic citations may be served in person, via mail, or by attaching a copy outside the vehicle.

[Order 77-2, § 132V-116-250, filed 6/3/77.]

**WAC 132V-116-260 Fines and penalties.** Fines and penalties may be assessed for all violations of these rules and regulations.

(1) The dean of administrative services, or in his absence the president or the acting president, is the only college employee authorized to impound vehicles parked on college property.

(a) Vehicles wrongfully parked in designated areas or parked in undesignated areas are subject to impoundment.

(b) Impoundment and storage expenses shall be the responsibility of the owner of the impounded vehicle.

(c) The college shall not be liable for loss or damage of any kind resulting from such impoundment and storage.

(d) Impoundment of a vehicle does not remove the obligation for any fines associated with the citation.

(2) An accumulation of traffic citations by a student in excess of THIRTY DOLLARS or the failure by a student to satisfy any traffic fines, regardless of the amount thereof, by the end of the academic quarter may result in disciplinary action initiated by the dean of student services against the student.

(3) The dean of administrative services shall direct all citations to the Office of Business Services for collection or paid at the cashier's station.

(4) A schedule of fines shall be set by the board of trustees.

(5) The following schedule of fines is adopted by the board and shall be published on the traffic citation forms.

(a) Vehicle parked in a manner so as to obstruct traffic; \$3.00

(b) Occupying more than one space; \$2.00

(c) Occupying space not designated for parking; \$2.00

(d) Illegal parking (parked in area not authorized by permit; \$2.00

(e) Failure to yield right of way; \$3.00

(f) Parking in fire lane; \$3.00

(g) Speeding; \$5.00

(h) Failure to stop for stop sign/signal; \$5.00

(i) Reckless/negligent driving; \$5.00

(j) No parking permit displayed; \$5.00

(6) If the fine is paid within 24 hours of the issuance of the citation, the fine will be reduced to \$1.00, except for moving violations.

(7) In the event a student fails or refuses to pay a fine, the following may be initiated by the dean of student services:

(a) Student may not be eligible to register for any more courses;

(b) Student may not be able to obtain a transcript of his grades or credits;

(c) Student may not receive a degree until all fines are paid;

(d) Student may be denied future parking privileges;

(e) Student's vehicle may be impounded.

(8) Upon failure of an employee to appeal from any fine or penalty as set forth herein, or upon a decision by the dean of administrative services affirming the employee's debt to the college, whichever is applicable, the amount of the fine will be set-off against and deducted from any present or future salary or other financial obligation owed to the employee by the college.

[Order 77-2, § 132V-116-260, filed 6/3/77.]

**WAC 132V-116-270 Appeal of fines and penalties.**

Any fines and penalties levied against a violator of the rules and regulations set forth herein must be appealed in writing, stating fully all grounds for appeal, within five days from the date of the citation, to the safety and security supervisor who will:

(1) After notice to the appealing party, confer with said party and review the appeal to determine whether a satisfactory solution can be reached without further administrative action. The safety and security supervisor will advise the appellant, as soon as practicable, of his proposed decision.

(2) If the appellant is dissatisfied with the safety and security supervisor's proposed decision, the appeal will be forwarded to the dean of administrative services who will meet with all parties, review the circumstances of the appeal and render a decision within ten days.

[Order 77-2, § 132V-116-270, filed 6/3/77.]

**WAC 132V-116-280 Liability of college.**

Except for the college owned and/or operated vehicles, the board assumes no liability under any circumstances for vehicles on campus.

[Order 77-2, § 132V-116-280, filed 6/3/77.]

**Chapter 132V-120 WAC  
CODE OF STUDENT RIGHTS AND  
RESPONSIBILITIES**

**WAC**

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132V-120-300	Final decision regarding student grievances.
132V-120-310	Nature of grievance proceedings.
132V-120-320	Withdrawal of grievance.
132V-120-330	Pregnancy policy.

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

[Statutory Authority: RCW 28B.50.140(13). 85-02-004 (Order 84-1), § 132V-120-010, filed 12/21/84.]

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

(1) "District" shall mean Community College District 22.

(2) "College" shall mean Tacoma Community College main campus and any other campus or college facility which may be created by the board.

(3) "College facilities" shall include real property, buildings and improvements thereon owned, leased, or used by or on behalf of the college or the associated students.

(4) "Board" shall mean the board of trustees of Community College District No. 22, state of Washington.

(5) "President" shall mean the duly appointed chief executive officer of any campus of the district, or in his or her absence, the acting chief executive officer.

(6) "Dean of students" shall mean the administrator responsible for student services or designee.

(7) "Chief academic affairs officer" shall mean the administrator responsible for the instructional program or designee.

(8) "Officer of the college" shall mean and include all administrative exempt employees, exclusive of the president, and any faculty member whose primary assignment is that of division chairperson.

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

(10) "College staff" shall mean and include any classified staff employee either full time or part time, whose primary assignment is a job position under the jurisdiction of the Washington higher education personnel board. Also included are student employees of the district and employees whose status is either full-time or part-time "exempt-temporary."

(11) "Student" shall mean any person who is registered for classes in the college.

(12) "Associated students" shall mean the student body and such authorized groups organized under the provisions of the Constitution and bylaws of the associated students of the college.

(13) "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 or group of persons.

(14) "Disciplinary action" shall mean and include a written warning to, the suspension or expulsion of, or placement on probation of any student by an appropriate officer of the college for the violation of any provision of this chapter.

(15) "Instructional day" shall mean any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes

are held or during final examination week. Saturdays and Sundays are not regularly scheduled instructional days.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-020, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-020, filed 12/21/84. Formerly WAC 132V-14-020.]

**WAC 132V-120-030 Jurisdiction.** (1) All rules herein adopted shall apply to each student whenever said student is present upon or in any college facility or whenever said student is present at or engaged in any college sponsored activity or function.

(2) Faculty members, other college employees, students, and members of the public who violate or aid or abet another in the violation of any provision of this chapter shall be subject to prosecution under civil or criminal laws or regulations of Washington in addition to any sanctions imposed pursuant to this chapter.

(3) Provisions of the Revised Code of Washington cited in this document are on file and available in the college library.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-030, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-030, filed 12/21/84. Formerly WAC 132V-14-030.]

**WAC 132V-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 educational objectives from among the college's curricula, programs and services subject to the provisions of this chapter.

(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 discriminatory, inappropriate, and disrespectful conduct and free from 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 sanctions may be imposed upon 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 the provisions of this chapter.

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

(4) Off-campus speakers. Student organizations sanctioned by an officer of the college or faculty or authorized by the associated students shall have the right to invite

outside speakers to speak on campus subject to the availability of campus facilities, funding resources, and compliance with the official college procedures available in the office of student programs and activities.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-040, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-040, filed 12/21/84. Formerly WAC 132V-14-040.]

**WAC 132V-120-050 Student responsibilities.** Any student who violates any provision of this chapter or who as a principal aids, abets, encourages, or procures another person to materially and substantially interfere with the personal rights or privileges of others or the educational process of the college shall be subject to disciplinary action as provided in this chapter. Grounds for disciplinary action include the following:

(1) Physical abuse of any person on college facilities or at a college sponsored event or conduct which threatens or endangers the health or safety of any such person;

(2) Disorderly or drunken conduct; lewd, indecent or obscene conduct or expression; breach of the peace on college facilities or at college sponsored events;

(3) An illegal assembly, disruption, obstruction 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;

(4) Refusal to comply with any lawful order to leave the college campus or any portion thereof;

(5) Knowingly filing a formal complaint falsely accusing another student or college employee with violating a provision of this code;

(6) 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;

(7) Sexual harassment which is defined as engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance;

(8) Theft of property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college;

(9) Intentional or grossly negligent damage or destruction of any property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college;

(10) Unauthorized use of college or associated students' equipment or supplies;

(11) Cheating, plagiarism or tendering 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;

(12) Forgery or alteration of college documents or records, including student identification cards, or the fraudulent use thereof;

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

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

(15) Smoking in any classroom, laboratory, library, or in any college facility or office designated as "NO SMOKING";

(16) Use, possession, or distribution of alcoholic beverages on college facilities without a permit from the state liquor control board and approval by the president. Use or possession of alcoholic beverages on college facilities or at college sponsored events by minors;

(17) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 or any dangerous drug as defined in RCW 69.50.308 while on college facilities or at any college sponsored event except when the use or possession of such a drug is specifically prescribed as medication by an authorized medical doctor or dentist. The term "sale" shall have the meaning as defined in RCW 69.04.005;

(18) Being under the influence of liquor or alcoholic beverages while on college facilities or at college sponsored events;

(19) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-050, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-050, filed 12/21/84. Formerly WAC 132V-14-050.]

**WAC 132V-120-060 Authority of the president to prohibit trespass.** The president shall have 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 whenever the president deems any of the following conditions exist:

(1) Events or activities disruptive of the lawful business of the college.

(2) Events or activities which disrupt or threaten to disrupt the lawful movement of any person into or out of any college facility.

(3) For the purpose of determining the identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. Tender of a current valid student identification card will satisfy this requirement. Refusal by a student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-060, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-060, filed 12/21/84. Formerly WAC 132V-14-060.]

**WAC 132V-120-070 Summary suspension proceedings.** If the dean of students (1) has cause to believe that any student has violated any provision of WAC 132V-120-050 or has committed a felony and (2) has further cause to believe that the student presents an imminent danger to himself or other persons on college facilities or to the educational process of the college, then the dean shall have,

pursuant to the rules herein, authority to suspend the student from the college until such time as the dean is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days, except that the president may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to people, facilities, or the educational process and disciplinary proceedings provided for in the provisions of this chapter, WAC 132V-120-100 through 132V-120-180.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-070, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-070, filed 12/21/84. Formerly WAC 132V-18-010.]

**WAC 132V-120-080 Notice of summary proceedings.** (1) If the dean of students desires to exercise the authority to summarily suspend a student, the dean shall notify the student by regular United States mail at the student's address as shown on college records, or cause personal service of such notice upon said student.

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

(a) The charges against the student including reference to the provisions of this chapter, and

(b) That the student charged must appear before the dean of students at a time specified in the notice for a formal hearing. This hearing shall be held as soon as practicable after the summary suspension. The student may elect to be accompanied by a personal advisor at the conference with the dean.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-080, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-080, filed 12/21/84. Formerly WAC 132V-18-020.]

**WAC 132V-120-090 Procedures of summary suspension hearing.** (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students that there is no cause to believe that the violation stated on the notice of summary suspension proceedings to the student did occur, and that there exists no cause to believe that immediate suspension of said student is necessary.

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

(3) The dean of students shall, at the time of the summary suspension proceeding, determine whether there is probable cause to believe that a violation of this chapter has occurred and whether there is cause to believe that continued suspension is necessary. In the course of making such a decision, the dean may only consider the affidavits or oral testimony of persons who have alleged that the student charged has committed a violation of WAC 132V-120-050 and the oral testimony and affidavits submitted by the student charged.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-090, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-090, filed 12/21/84. Formerly WAC 132V-18-030.]

**WAC 132V-120-100 Decision by dean of students.** If the dean of students, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of WAC 132V-120-050 are alleged has committed one or more such violations upon any college facility; and

(2) Summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, or the educational process of the institution; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in the code of student rights and responsibilities; then the dean of students may continue to enforce the suspension of the student from college until further disciplinary hearings or review proceedings are concluded.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-100, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-100, filed 12/21/84. Formerly WAC 132V-18-040.]

**WAC 132V-120-110 Notice of suspension.** (1) If a student is suspended pursuant to the above rules, the student will be provided with a written notice of suspension including the dean of students' findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue in force.

(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 regular United States mail at the student's last known address as shown on college records within three calendar days following the conclusion of the hearing with the dean of students.

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

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-110, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-110, filed 12/21/84. Formerly WAC 132V-18-050.]

**WAC 132V-120-120 Suspension for failure to appear.** If the student against whom specific violations of this chapter have been alleged has been served pursuant to the notice required fails to appear at the time designated for the summary suspension proceeding, the dean of students is authorized to enforce the suspension of the student from college.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-120, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-120, filed 12/21/84. Formerly WAC 132V-18-060.]

**WAC 132V-120-130 Appeal of summary suspension.** (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the president. No such appeal shall be entertained, however, unless and until:

(a) The student has first appeared before the dean of students at the hearing called for in this chapter;

(b) The student has been officially notified of the outcome of this hearing;

(c) Summary suspension or a lesser disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in this chapter.

(2) The president shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, along with the findings of the dean of students, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified.

(3) After completion of this review, the president shall promptly notify the appealing student by certified and regular United States mail whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-130, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-130, filed 12/21/84. Formerly WAC 132V-18-070.]

**WAC 132V-120-140 Summary suspension proceedings not duplicative.** (1) The summary suspension proceedings shall substitute for the disciplinary proceedings provided for in this chapter (WAC 132V-120-180 through 132V-120-260). During the course of the summary suspension, the dean may refer the matter to the student rights and responsibilities committee with a recommendation for further disciplinary action. At the end of the summary suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions or conditions may have been imposed for violation of the code of student rights and responsibilities.

(2) Any disciplinary proceeding initiated against the student because of alleged violations in the course of the summary suspension proceeding provided for herein, shall be heard, *de novo*, provided, that the records made and evidence presented during the course of the student's summary suspension proceeding shall be available for the use of the parties.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-140, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-140, filed 12/21/84. Formerly WAC 132V-18-080.]

**WAC 132V-120-150 Purpose of disciplinary actions.** Disciplinary action, up to and including expulsion from the college, may be imposed upon a student for violation of the provisions of this chapter. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-150, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-150, filed 12/21/84. Formerly WAC 132V-16-010.]

**WAC 132V-120-160 Disciplinary action.** The following disciplinary actions are hereby established as the sanctions imposed upon violators of the code of student rights and responsibilities:

(1) Disciplinary warning. This is formal action censuring a student for violation of this chapter. Disciplinary warnings shall be made in writing to the student and shall

state that the continuation or repetition of the specific violation involved may result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. This is formal action placing conditions upon the student's continued attendance for violation of this chapter. Notice shall be made in writing and 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.

(3) Suspension. This is temporary dismissal from the college and termination of the person's student status for violation of this chapter. Written notice shall be given which will specify the duration of the suspension and any special conditions which must be met before readmission.

(4) Expulsion. This is indefinite or permanent dismissal from the college and termination of the student status of a student for violation of this chapter. Written notice shall be given which will specify any special conditions which must be met before readmission after indefinite dismissal.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-160, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-160, filed 12/21/84. Formerly WAC 132V-16-110.]

**WAC 132V-120-170 Initiation of disciplinary proceedings.** Any student, officer of the college or college staff shall have the authority to request the commencement of the disciplinary proceedings provided for in this chapter if there is reasonable cause to believe that a student has violated the provisions of this code. Requests to initiate disciplinary proceedings must be submitted in writing to the dean of students within ten instructional days of the date the petitioner became aware or reasonably can be expected to have become aware of the alleged violation of the code.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-170, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-170, filed 12/21/84. Formerly WAC 132V-16-020.]

**WAC 132V-120-180 Initial disciplinary proceedings.**

(1) All disciplinary proceedings will be initiated by the dean of students.

(2) Any student charged by the dean of students with a violation of any provision of this code will be so informed by regular United States mail or by personal service of the charges and of the time, date and place of a conference between the dean and the student. The notice shall be sent to the student's last known address as shown on college records.

(3) The student may elect to be accompanied by a personal advisor of his/her choice at the conference with the dean.

(4) After considering the evidence in the case, the dean of students may take any of the following actions:

(a) Terminate the proceeding;

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate;

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

(d) Refer the matter to the student rights and responsibilities committee for a recommendation as to appropriate action.

(5) A student accused of violating any provision of this chapter shall be given prompt notice by personal service or regular United States mail of any action taken by the dean of students.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-180, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-180, filed 12/21/84. Formerly WAC 132V-16-030.]

**WAC 132V-120-190 Appeals.** Any disciplinary action taken by the dean of students, except summary suspension, may be appealed by the student to the student rights and responsibilities committee in the following manner:

(1) Said appeal must be in writing and clearly state the alleged errors or other matters in extenuation or mitigation which justify the appeal; and

(2) Said appeal must be filed with the dean of students within seven calendar days from the date of the notice of disciplinary action; and

(3) Said appeal must identify the name and address of the student's attorney, if an attorney is involved.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-190, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-190, filed 12/21/84. Formerly WAC 132V-16-040.]

**WAC 132V-120-200 Composition of student rights and responsibilities committee.** (1) The college shall have a student rights and responsibilities committee composed of six members, who shall be chosen and appointed no later than October 15 of each year. The membership of the committee shall consist of two members of the administration, excepting the dean of students, chosen by the president; two faculty members chosen by the chief academic affairs officer; and two students chosen by the student senate of the associated students.

(2) A quorum shall consist of no less than three members, provided that such quorum shall include at least one student, one faculty member and one administrator.

(3) The committee shall elect its own chairperson for each case brought before it.

(4) Any member of the committee having direct knowledge or involvement in a case under consideration may be excused from participation in the hearing or appeal and a substitute appointed.

(5) The committee may use the services of an assistant attorney general to advise it so long as the assistant attorney general has not been previously involved with the issue brought before the committee.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-200, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-200, filed 12/21/84. Formerly WAC 132V-16-050.]

**WAC 132V-120-210 Hearing procedures before the student rights and responsibilities committee.** (1) The student rights and responsibilities committee shall hear, *de novo*, and make recommendations to the president on all disciplinary cases appealed to the committee by the student

or referred to it by the dean of students in accordance with the provisions of this chapter.

(2) The student has the right to a fair and impartial hearing before the committee. The student's failure to cooperate with the hearing procedures, however, shall not preclude a quorum of the committee from making its findings of fact, conclusions and recommendations as provided below.

(3) Written notice of the hearing before the committee shall be mailed or given to the student at least ten calendar days in advance, except in cases of summary suspension where notice shall be given at least five calendar days in advance of the hearing. Said notice shall contain:

(a) A statement of the time and place of the hearing;

(b) A statement of the specific charges including reference to the particular sections of this chapter which are 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.

(4) The student shall be entitled to hear and examine the evidence to be offered by the college and be informed of the identity of its source; the student shall be entitled to present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college.

(5) 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 dean of students at least five calendar days prior to the hearing.

(6) In all disciplinary proceedings, the college may be represented by the dean of students who will present the college's case against the student accused of violating provisions of this chapter; provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(7) The dean of students 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 committee during the course of the hearing. The proceedings of the hearing shall also be tape recorded.

(8) All records of disciplinary proceedings shall be maintained in the office of the dean of students and shall be available only during the course of the disciplinary proceedings to the committee, the student, and his/her attorney, the dean, and any other college official designated by the president.

(9) Following the final disposition and any appeals of the disciplinary proceedings, access to records of the case and hearing files will be limited to persons designated by the president.

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

(11) The time of the hearing may be changed by the committee at the request of any party for good cause.



[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-210, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-210, filed 12/21/84. Formerly WAC 132V-16-060.]

**WAC 132V-120-220 Conduct of hearings.** (1) Hearings will be held in closed session. The accused student may invite a personal advisor to attend the hearings. If, at any time during the conduct of a hearing, any person is disruptive of the proceedings, the chairperson of the hearing committee may exclude any such person from the hearing room.

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

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-220, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-220, filed 12/21/84. Formerly WAC 132V-16-070.]

**WAC 132V-120-230 Evidence admissible in hearings.** (1) Only that evidence presented at the hearing will be considered in determining whether the accused student violated the provision of this code as charged.

(2) The committee shall be the exclusive judge of the evidence and the weight to be assigned to it. Credible hearsay is admissible into evidence. The college shall bear the burden of proof by a preponderance of evidence to sustain the charges against the accused student.

(3) The chairperson of the hearing 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.

(4) 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.50.140(13), 88-23-072 (Order 88-1), § 132V-120-230, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-230, filed 12/21/84. Formerly WAC 132V-16-080.]

**WAC 132V-120-240 Decision by the committee.** (1) Upon conclusion of the disciplinary hearing, the committee or a quorum thereof shall consider all the evidence and decide by majority vote which of the following actions to recommend:

- (a) That the proceedings be terminated; or
- (b) That the president impose minor sanctions such as a written disciplinary warning or reprimand; or
- (c) That the president suspend the student from college, including a recommendation on the duration of such action; or
- (d) That the president expel the student from college.

(2) Within seven calendar days of the conclusion of the hearing, the student shall be notified of the committee's recommendations based on findings of fact and conclusions of law regarding whether the student did violate any rule or rules of this code. The committee shall also advise the student in writing of his or her right to present, within seven calendar days of the notification of the committee's recommendation, a written statement to the president of the college appealing the recommendation of the committee.

(1997 Ed.)

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-240, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-240, filed 12/21/84. Formerly WAC 132V-16-090.]

**WAC 132V-120-250 Final decision regarding disciplinary action.** The president shall, after reviewing the procedure and the record made before the committee together with written arguments filed by the parties, if any, attach either a written concurrence to the recommendations of the committee or written directions as to what disciplinary action, if any, shall be taken. Evidence not in the record will not be considered by the president. All parties shall be provided with a copy of the decision. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-250, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-250, filed 12/21/84. Formerly WAC 132V-16-100.]

**WAC 132V-120-260 Suspension—Reestablishment of academic standing.** A student who has been suspended or expelled pursuant to disciplinary procedures set forth in this chapter and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake exams or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-260, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-260, filed 12/21/84. Formerly WAC 132V-16-130.]

**WAC 132V-120-270 Student grievances.** The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; 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 by employees of the college community.

[Statutory Authority: RCW 28B.50.140(13), 93-20-029, § 132V-120-270, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-270, filed 12/21/84.]

**WAC 132V-120-280 Grievances excluded from this section.** (1) A student may not use the provisions of this section 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 and technical colleges or the board of trustees of Community College District 22, shall not be grievable matters.

(3) Academic evaluations, other than final course grades, shall not be grievable matters.

(4) For the purpose of filing a grievance due to sexual harassment, sex discrimination, or handicapped discrimination, a student shall use the provisions of the established college grievance procedures on sexual harassment, sex

discrimination, and handicapped discrimination, WAC 132V-300-010 to 132V-300-030, not the provisions of this section.

[Statutory Authority: RCW 28B.50.140(13). 93-20-029, § 132V-120-280, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-280, filed 12/21/84.]

**WAC 132V-120-290 Grievance procedures.** Internal review and consultative processes have proven to be a desirable means of resolving problems. If a student believes he or she has been unfairly treated by a faculty member, member of the college staff, or administrator, the student is encouraged to resolve the complaint with the individual toward whom the grievance is directed. The student shall take this action within five instructional days. If the complaint is not resolved, the student may lodge a formal grievance according to the following procedures:

**Step 1:** The student may, within ten instructional days following the incident, present his/her complaint in writing to the appropriate division manager. The student shall present a written, signed statement of 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 to the problem the grievant may wish to offer.

**Step 2:** Within ten instructional days of receiving the grievance, the appropriate division manager shall hold a meeting to hear the complaint. It shall be at the discretion of the division manager to determine whether he/she will meet with the grievant and the person to whom the complaint has been directed separately or in a joint meeting.

At this step and all subsequent steps in the grievance procedure, the grievant may elect to be represented by an attorney in preparing and presenting the grievance. The grievant shall notify the appropriate division manager at least five instructional days in advance of such action. In such cases, the college may choose to be assisted by an assistant attorney general.

Following the meeting or meetings, and within ten instructional days, the division manager will report his/her findings and the actions, where appropriate, to be implemented to resolve the grievance in writing to the grievant and the person to whom the complaint is directed.

**Step 3:** If the grievance is not satisfactorily resolved in Step 2, either the grievant or the person to whom the complaint is directed has the right to request a hearing conducted by the appropriate vice-president/dean.

The vice-president/dean will convene a hearing committee no later than ten instructional days from the time of the request. The committee will be chosen and appointed no later than October 15 of each year. The committee shall consist of the following membership: Three student representatives, chosen by the senate of the associated students; two faculty or staff representatives (dependent upon the nature of the grievance), appointed by the vice-president/dean; two administrators, appointed by the president.

A quorum shall consist of no less than three members, provided that such quorum include at least one student, one faculty or staff member, and one administrator.

The committee shall elect its own chairperson for each case brought before it. The committee shall hear testimony regarding the grievance, deliberate, and decide the issue by majority vote. The hearing may be recessed and reconvened

at a time convenient to all parties for the purpose of presenting witnesses, depositions, affidavits or other materials which the division manager/vice-president/dean deems vital to a fair resolution of the grievance.

**Step 4:** Within three instructional days after concluding the hearing process, the committee will render a decision by majority vote and so inform all parties to the grievance of that decision. Findings of fact will be included when informing all parties.

**Step 5:** Should any of the parties to the grievance find the hearing committee's solution to the grievance to be unsatisfactory, the decision may be appealed to the president of the college, provided that any such appeal be presented in writing within five instructional days following notification of the committee's decision. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based.

Within five instructional days of receiving the appeal request, the college president will review the record of the hearing and the appeal and will provide his/her final decision in writing to both the grievant and the person to whom the complaint is directed. Evidence not in the record will not be considered by the president.

[Statutory Authority: RCW 28B.50.140(13). 93-20-029, § 132V-120-290, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-290, filed 12/21/84.]

**WAC 132V-120-300 Final decision regarding student grievances.** The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

If the findings indicate that the person against whom the complaint is lodged engaged in sexual harassment or other discriminatory acts, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures, depending on whether the person is a member of the classified staff, administrative exempt, or faculty.

[Statutory Authority: RCW 28B.50.140(13). 93-20-029, § 132V-120-300, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-300, filed 12/21/84.]

**WAC 132V-120-310 Nature of grievance proceedings.** All hearings growing out of a student-initiated grievance, including appeals to the office of the president, may be open with the approval of both parties. All written records growing out of a student-initiated grievance, including appeals to the office of the president, are discloseable only in accordance with applicable law.

[Statutory Authority: RCW 28B.50.140(13). 93-20-029, § 132V-120-310, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-310, filed 12/21/84.]

**WAC 132V-120-320 Withdrawal of grievance.** (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing.

(2) In the event the grievant 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.

[Statutory Authority: RCW 28B.50.140(13), 93-20-029, § 132V-120-320, filed 9/27/93, effective 10/28/93; 85-02-004 (Order 84-1), § 132V-120-320, filed 12/21/84.]

**WAC 132V-120-330 Pregnancy policy.** (1) A student in the radiologic technology program who has reason to believe she may be pregnant shall report this belief immediately to the head of the radiologic technology program. The head of the radiologic technology program shall, if there is reason to believe a student is pregnant, require that the student submit a physician's statement confirming or denying the fact of pregnancy. Verification of pregnancy shall include the anticipated date of delivery. Upon verification of pregnancy, the student will not be permitted to continue to participate in the clinical education and didactic courses utilizing ionizing radiation of the radiologic technology program. Arrangements will be made by the head of the program for the student to reenter and complete the program requirements after the pregnancy is over.

(2) Failure to comply with the regulation will result in dismissal from the radiologic technology program.

(3) A student who disputes the terms or conditions of re-entry into the radiologic technology program or dismissal from the program may appeal the decision to the chairman of the allied health division.

[Statutory Authority: RCW 28B.50.140(13), 87-01-066 (Order 86-1), § 132V-120-330, filed 12/17/86.]

## Chapter 132V-130 WAC HAZING POLICY

### WAC

132V-130-010	Hazing prohibited.
132V-130-020	Penalties.
132V-130-030	Sanctions for impermissible conduct not amounting to hazing.

**WAC 132V-130-010 Hazing prohibited.** (1) Hazing is prohibited at Tacoma Community College.

(2) Hazing means any method of initiation into a student group or any pastime or amusement engaged in with respect to such a group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary education. Excluded from this definition are "customary athletic events or other similar contests or competitions."

[Statutory Authority: SSB 5075 passed by the 1993 legislature. 96-16-036, § 132V-130-010, filed 8/1/96, effective 9/1/96.]

**WAC 132V-130-020 Penalties.** (1) The Tacoma Community College code of student rights and responsibilities committee is applicable to hazing violations.

(2) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(3) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of time to be determined based upon the seriousness of the violation.

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(4) Any student group that knowingly permits hazing shall:

(a) Be liable for harm caused to persons or property resulting from hazing; and

(b) Be denied recognition by Tacoma Community College as an official student group on campus. If the student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. All college funding shall be frozen for any official student group scheduled to appear before the Tacoma Community College student rights and responsibilities committee for an alleged hazing violation.

(5) Forfeiture of college funding, state-funded grants, scholarships or awards shall continue for a minimum of one quarter up to and including permanent forfeiture as determined by the Tacoma Community College student rights and responsibilities committee based upon the seriousness of the violations.

[Statutory Authority: SSB 5075 passed by the 1993 legislature. 96-16-036, § 132V-130-020, filed 8/1/96, effective 9/1/96.]

**WAC 132V-130-030 Sanctions for impermissible conduct not amounting to hazing.** (1) Impermissible conduct associated with initiation into a student group or any pastime or amusement engaged in, with respect to the group, will not be tolerated.

(2) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(3) Impermissible conduct not amounting to hazing is subject to any sanctions available under the Tacoma Community College code of student rights and responsibilities, depending upon the seriousness of the violation.

[Statutory Authority: SSB 5075 passed by the 1993 legislature. 96-16-036, § 132V-130-030, filed 8/1/96, effective 9/1/96.]

## Chapter 132V-300 WAC GRIEVANCE PROCEDURE—SEXUAL HARASSMENT, SEX DISCRIMINATION, AND DISABILITY DISCRIMINATION

### WAC

132V-300-010	Statement of policy.
132V-300-020	Jurisdiction.
132V-300-030	Grievance procedure.

**WAC 132V-300-010 Statement of policy.** Tacoma 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 disability. The college is committed to protecting the rights and dignity of each individual in the campus community and so will not tolerate discrimination of any kind, at any level.

Further, it is the policy of Tacoma Community College to provide an environment in which employees can work free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

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Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

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

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

[Statutory Authority: RCW 28B.50.140(13). 93-20-028, § 132V-300-010, filed 9/27/93, effective 10/28/93; 93-03-078, § 132V-300-010, filed 1/19/93, effective 2/19/93.]

**WAC 132V-300-020 Jurisdiction.** This chapter shall serve as a Title IX/Section 504 grievance for all employees of Tacoma Community College including classified staff, faculty, and administrators, applicants for employment; and enrolled students and applicants for admission.

[Statutory Authority: RCW 28B.50.140(13). 93-03-078, § 132V-300-020, filed 1/19/93, effective 2/19/93.]

**WAC 132V-300-030 Grievance procedure.** Internal review and consultative processes have proven to be a desirable means of resolving problems. Any employee, applicant for employment, enrolled student, or applicant for admission to Tacoma Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a disability is encouraged to resolve the complaint with the individual believed to have committed the discriminatory act. If the complaint is not resolved, the individual may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Official hearing.

(i) Sexual discrimination/harassment complaints shall be lodged with the Title IX officer or the affirmative action officer. Disability discrimination complaints shall be lodged with the 504 officer or the affirmative action officer. The complainant shall request a meeting with the designated college officer as the first step in the grievance process.

(ii) To request an official hearing, the complainant shall file a written complaint with the designated college officer describing the specific grievance(s), including dates, times, places, circumstances, and any witnesses. A copy of the written complaint will be provided to the person to whom the grievance is directed.

(iii) Within ten instructional days of receiving the written request, the designated college 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, unless otherwise mutually agreed by the parties, attendance shall be limited to the complainant, the person to whom the complaint is directed, and the college officer, who shall chair the meeting. Either the complainant or the person to whom the

complaint is directed may call witnesses at the discretion of the person presiding.

At this step and all subsequent steps in the grievance procedure, the complainant may elect to be represented by an attorney in preparing and presenting the grievance. The complainant shall notify the appropriate college officer at least five instructional days in advance of such action. In such cases, the college may choose to be assisted by an assistant attorney general.

(iv) 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. This decision is final absent appeal to the college president.

(v) The affirmative action officer and Title IX office are to be informed of any sex discrimination/harassment complaint or 504 complaint lodged, as well as the resolutions of such complaints.

(b) Step 2: Presidential appeal.

(i) Either the complainant or the person to whom the complaint is directed has a right to present a statement to the college president appealing the findings of the designated college officer.

(ii) The request must be made in writing within ten days of written notification of the results of the official hearing.

(iii) Within ten instructional days of receiving the appeal request, the college president or the president's designee will review the record of the hearing and the appeal and report the findings in writing to both the complainant and the person to whom the complaint is directed.

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

(v) If the findings indicate that the person against whom the complaint is lodged engaged in sexual harassment or other discriminatory acts, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures, depending on whether the person is a student, a member of classified staff, administrative exempt, or faculty.

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

(a) United States Department of Education, Office of Civil Rights, 1915 2nd Avenue, Room 3310, Seattle, Washington 98174-1099.

(b) United States Equal Opportunity Commission, 2815 2nd Avenue, Suite 500, Seattle, Washington 98121.

(c) The Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, PO Box 42490, FJ-41, Olympia, Washington 98504-2490.

(d) City of Tacoma, Human Rights Department, 747 Market Street, Room 808, Tacoma, Washington 98402.

[Statutory Authority: RCW 28B.50.140(13). 93-20-028, § 132V-300-030, filed 9/27/93, effective 10/28/93; 93-03-078, § 132V-300-030, filed 1/19/93, effective 2/19/93.]

**Chapter 132V-325 WAC**  
**STATE ENVIRONMENTAL POLICY ACT**

**WAC**

132V-325-010 Authority.  
132V-325-020 Responsibility.

**WAC 132V-325-010 Authority.** It shall be the policy of Community College District 22 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education. (Tacoma Community College Board Policy, Chapter VIII, Section 8.3030; 10-76.)

[Order 77-1, § 132V-325-010, filed 6/3/77.]

**WAC 132V-325-020 Responsibility.** In compliance with WAC 197-10-820, the district president or an administrative officer designated by the district president shall be the official responsible for carrying out this policy.

[Order 77-1, § 132V-325-020, filed 6/3/77.]

**Chapter 132V-400 WAC**  
**LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION**

**WAC**

132V-400-010 Grounds for ineligibility.  
132V-400-020 Initiation of ineligibility proceedings.  
132V-400-030 Ineligibility proceedings.  
132V-400-040 Decision.

**WAC 132V-400-010 Grounds for ineligibility.** Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by decision of the college's presiding officer, shall be disqualified from participation in any school-sponsored athletic events or activities.

[Statutory Authority: RCW 28B.50.140(13). 90-07-038, § 132V-400-010, filed 3/16/90, effective 4/16/90.]

**WAC 132V-400-020 Initiation of ineligibility proceedings.** Any officer of the college or college staff shall have authority to request the commencement of athletic ineligibility hearing proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or upon receipt of notice from any source that the student has been convicted of violating chapter 69.41 RCW. Requests to initiate athletic ineligibility hearing proceedings should be submitted to the dean of student services within ten instructional days of the date the person became aware of the alleged violation or conviction of chapter 69.41 RCW.

[Statutory Authority: RCW 28B.50.140(13). 90-07-038, § 132V-400-020, filed 3/16/90, effective 4/16/90.]

**WAC 132V-400-030 Ineligibility proceedings.** The president of the college shall designate a presiding officer

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who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-34.05.494.

[Statutory Authority: RCW 28B.50.140(13). 90-07-038, § 132V-400-030, filed 3/16/90, effective 4/16/90.]

**WAC 132V-400-040 Decision.** Within ten calendar days of the conclusion of the brief adjudicative proceedings, the presiding officer shall give each party a written decision which shall include a brief statement of the reasons for the decision and, in the event of a decision adverse to the student, the period of loss of eligibility to participate in college-supervised athletic events or activities. Any party shall have the right to present, within five calendar days of notification of the presiding officer's decision, a written request for review directed to the president of the college appealing the decision or the period of loss of eligibility. The request for review shall explain the party's view of the matter. The president's decision on the appeal will be in writing, including a brief statement of the reasons for the decision, and a notice that judicial review may be available.

[Statutory Authority: RCW 28B.50.140(13). 90-07-038, § 132V-400-040, filed 3/16/90, effective 4/16/90.]