

to the trustees prior to each meeting. Any matters of business or correspondence must be received by the secretary of the board by 12:00 noon three work days before the meeting in order to be included on the agenda. The chair or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his/her judgment the matter is of an emergency nature.

[Statutory Authority: RCW 28B.50.140. 97-12-071, § 132K-04-030, filed 6/3/97, effective 7/4/97; D-1, § 1521.00, filed 9/20/67.]

#### **WAC 132K-04-050 Board meetings—Participation.**

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

[Statutory Authority: RCW 28B.50.140. 97-12-071, § 132K-04-050, filed 6/3/97, effective 7/4/97; 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-050, filed 7/11/86; D-1, § 1523.00, filed 9/20/67.]

**WAC 132K-04-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 132K-04-080 Officers of board.** Annually, normally during its September meeting, the board shall elect, from its membership, a chair and vice-chair to serve for the ensuing year. The district president shall serve as secretary to the board of trustees as specified by state law. The secretary may, at his/her discretion, appoint an appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

The chair, in addition to any duties imposed by rules and regulations of the state board, shall preside at each regular or special meeting of the board, sign all legal and official documents recording actions of the board, and review the agenda prepared for each meeting of the board. The chair shall, while presiding at official meetings, have full right of discussion and vote.

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

[Statutory Authority: RCW 28B.50.140. 97-12-071, § 132K-04-080, filed 6/3/97, effective 7/4/97; 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-080, filed 7/11/86; D-1, § 1530.00, filed 9/20/67.]

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

COMMUNITY COLLEGE DISTRICT NO. 11

PIERCE COLLEGE

STATE OF WASHINGTON

[Statutory Authority: RCW 28B.50.140. 97-12-071, § 132K-04-110, filed 6/3/97, effective 7/4/97; 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-110, filed 7/11/86; D-1, § 1560.00, filed 9/20/67.]

**WAC 132K-04-130 Delegation of responsibility.** It shall be the responsibility of the Pierce College board of trustees to establish policy and to evaluate the success of the college operation. To administer the college, the board of

trustees shall employ a district president and hold him/her responsible for the interpretation of board policy into administrative action and for the administration of the college in general.

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

[Statutory Authority: RCW 28B.50.140. 97-12-071, § 132K-04-130, filed 6/3/97, effective 7/4/97; 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-04-130, filed 7/11/86; D-1, § 1600.00, filed 9/20/67.]

### **Chapter 132K-08 WAC**

#### **A CODE OF ETHICS FOR BOARDS OF TRUSTEES**

##### **WAC**

132K-08-010 Repealed.

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

132K-08-010 Code of ethics. [D-1, §§ 1700.00-1, 1700.00-2, filed 9/20/67.] Repealed by 97-12-070, filed 6/3/97, effective 7/4/97. Statutory Authority: RCW 28B.50.140.

**WAC 132K-08-010 Repealed.** See Disposition Table at beginning of this chapter.

## **Title 132N WAC COMMUNITY COLLEGES— CLARK COLLEGE**

### **Chapters**

**132N-20** Code of student conduct.  
**132N-108** Procedure.  
**132N-120** Code of student conduct.  
**132N-122** Withholding services for outstanding debts.  
**132N-156** Parking and traffic rules and regulations.

### **Chapter 132N-20 WAC**

#### **CODE OF STUDENT CONDUCT**

##### **WAC**

132N-20-010 through 132N-20-090 Repealed.

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

132N-20-010 Student responsibilities and standards of conduct. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-010, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.  
132N-20-020 Authority. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-020,

- filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-030 Summary action. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-030, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-040 Student participation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-040, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-050 Violations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-050, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-060 Disciplinary hearing procedures. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-060, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-070 Committee on student conduct. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-070, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-080 Forms of disciplinary action. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-080, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-20-090 Procedure for summary suspension. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-090, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

### WAC 132N-20-010 through 132N-20-090 Repealed.

See Disposition Table at beginning of this chapter.

## Chapter 132N-108 WAC PROCEDURE

### WAC

- 132N-108-010 Model rules of procedure.  
 132N-108-020 Brief adjudicative procedure.  
 132N-108-030 Procedure for closing parts of the hearings.  
 132N-108-040 Appointment of presiding officers.  
 132N-108-050 Application for adjudicative proceeding.  
 132N-108-060 Discovery.  
 132N-108-070 Method of recording.  
 132N-108-080 Recording devices.  
 132N-108-090 Petitions for stay of effectiveness.

**WAC 132N-108-010 Model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at Clark College. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by Clark College shall govern.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-010, filed 9/16/97, effective 10/17/97.]

### WAC 132N-108-020 Brief adjudicative procedure.

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from actions due to parking and traffic infractions;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to outstanding debts of college employees or students;
- (5) Appeals from actions regarding loss of eligibility to participate in athletic events;
- (6) Challenges to the contents of educational records pursuant to 34 C.F.R. § 99.21.
- (7) Appeals from actions due to mandatory tuition and fee waivers.
- (8) Appeals pursuant to any other formal rule adopted by Clark College which specifically provides for a brief adjudicative procedure.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-020, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-030 Procedure for closing parts of the hearings.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons thereof in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-030, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-040 Appointment of presiding officers.** The president or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-040, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-050 Application for adjudicative proceeding.** An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, Clark College, 1800 E. McLoughlin Blvd., Vancouver, Washington 98663.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-050, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-060, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-070 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-070, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-080 Recording devices.** No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132N-108-030, except for the method of official recording selected by the college.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-080, filed 9/16/97, effective 10/17/97.]

**WAC 132N-108-090 Petitions for stay of effectiveness.** Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

[Statutory Authority: RCW 28B.50.140. 97-19-078, § 132N-108-090, filed 9/16/97, effective 10/17/97.]

### Chapter 132N-120 WAC CODE OF STUDENT CONDUCT (Formerly chapter 132N-20)

#### WAC

132N-120-010	Code of student conduct.
132N-120-020	Authority.
132N-120-030	Definitions.
132N-120-040	Jurisdiction.
132N-120-050	Student rights.
132N-120-060	Student responsibilities.
132N-120-065	Denial of access to Clark College.
132N-120-070	Disciplinary action.
132N-120-080	Initial disciplinary proceedings.
132N-120-090	Appeals.
132N-120-100	Committee on student conduct.
132N-120-110	Adjudicative proceedings before the committee on student conduct.
132N-120-120	Recordkeeping.
132N-120-130	Evidence admissible in hearings.
132N-120-140	Initial order—Petition for administrative review—Final order.
132N-120-150	Summary action.
132N-120-160	Suspension for failure to appear.
132N-120-170	Appeals from summary suspension hearing.
132N-120-180	Final decision.

**WAC 132N-120-010 Code of student conduct.** This chapter shall be known as the code of student conduct of Clark College. Admission to the college carries with it the presumption that students have specified rights as members of the college community. In addition, when they enroll, students assume the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-010, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-020 Authority.** The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president or designee(s) shall be responsible for the administration of the disciplinary procedures provided for herein.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-020, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-030 Definitions.** As used in this chapter, the following words and phrases shall be defined as follows:

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

(2) "Alcoholic beverages" means liquor as defined at RCW 66.04.010(15) as now or hereafter amended.

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

(4) "ASCC" means the associated students of Clark College as defined in the constitution of that body.

(5) "Board" means the board of trustees of Community College District No. 14, state of Washington.

(6) "President" means the president of Clark College and Community College District No. 14, state of Washington.

(7) "College" means Clark College and any other community college centers or facilities established within Washington state Community College District No. 14.

(8) "Designee" means a person appointed by an officer or another person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(9) "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington state Community College District No. 14, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(10) "Disciplinary action" and "discipline" means and includes a warning, reprimand, probation, suspension, dismissal/expulsion, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

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

(12) "Faculty member" and "instructor" means any employee of Community College District No. 14 who is employed on a full-time or part-time basis as a teacher, instructor, counselor or librarian.

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

(14) "Student," unless otherwise qualified, means and includes any person who is registered for classes or is formally in the process of applying for admission to the college.

(15) "Committee on student conduct" means the judicial body provided in this chapter.

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

(17) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization 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 Clark College.

(18) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-030, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-040 Jurisdiction.** (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity.

(2) Faculty members, college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

(3) This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

(4) Statutory authority of the Revised Code of Washington for this chapter is on file and available in the office of the dean of administrative services.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-040, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-050 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are

deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

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

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

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

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

(2) Due process.

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

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

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

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-050, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-060 Student responsibilities.** Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter, or commits any of the following personal, property, or status offenses which are hereby prohibited:

(1) Personal offenses.

(a) Assault, reckless endangerment, malicious harassment, intimidation, or interference upon another person in the manner set forth in chapter 9A.36 RCW, and RCW 28B.10.570 through 28B.50.572, as now or hereafter amended.

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

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructions of a duly authorized college employee or to abide by college rules, procedures and notices, thereby infringing upon the rights and privileges of other persons.

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

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

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

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

(h) Hazing. Engaging in or conspiring to engage in hazing and conduct which amounts to hazing including conduct which causes embarrassment, sleep deprivation, or personal humiliation, ridicule or unprotected speech amounting to verbal abuse.

(i) Sexual offenses. Physical abuse, threats, intimidation, coercion and/or other conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person.

(2) Property offenses.

(a) Theft and robbery. While in any college facility or participating in a college-related program, committing theft as defined in RCW 9A.56.020 or robbery as defined in RCW 9A.56.190 or possessing stolen property as defined in RCW 9A.56.140.

(b) Malicious mischief. Malicious damage to college property, or the property of any person where such property is located on the college campus and malicious mischief in violation of RCW 9A.48.070 through 9A.48.090.

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

(d) Other offenses. Any student who, while in any college facility or participating in a college-related program, commits any other act which is punishable as a misdemeanor or a felony under the laws of the state of Washington and/or the United States and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

(3) Status offenses.

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

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

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

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

(e) Smoking. Smoking as described in Clark College administrative procedure 510.030.

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

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

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property. Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city law enforcement officers.

(i) Computers. Infractions of Clark College administrative procedures 535.035, Use of College Computing Resources.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-060, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-065 Denial of access to Clark College.** The dean of students or his/her designee or president/designee shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of students or his/her designee or president/designee shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-065, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-070 Disciplinary action.** Any college administrator, except the president or a member of the committee on student conduct, may take any of the following disciplinary actions against a student:

(1) Disciplinary warning. Notice to a student, either verbally or in writing, by the dean of students or his/her designee(s) that the student has failed to satisfy the college's expectations regarding conduct. Such warnings will include a statement that continuation or repetition of the specific

conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) Disciplinary reprimand. Formal action censuring a student for violating the student code of conduct. Reprimands shall be made in writing to the student by the dean of students or his/her designee(s), with copies placed on file in the office of the dean of students. A reprimand shall indicate to the student that continuing or repeating the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the dean of students or his/her designee(s), placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new violation may be cause for suspension or other disciplinary action.

(4) Disciplinary suspension. Temporary dismissal from the college and termination of the person's student status. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(5) Disciplinary dismissal/expulsion. Permanent termination of a student's status. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

(6) Disciplinary restitution. Requirement of a student to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the dean of students or designee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. A student may be reinstated upon payment of fee or completion of designated public service activity.

(7) Disciplinary penalties for hazing.

(a) Any organization, association or student group that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clark College as an official organization, association or student group on this campus.

If the organization, association or student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s). Other sections of the student code of conduct also may be applicable to hazing violations. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-070, filed 8/8/97, effective 9/8/97.]

#### **WAC 132N-120-080 Initial disciplinary proceedings.**

(1) Allegations of misconduct that constitute a violation of this chapter shall be filed in the office of the dean of students in writing. The allegation shall state specifically the alleged violation and summarize the supporting evidence. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations. Disciplinary proceedings will be initiated by the dean of students or his/her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132N-120-150(1).

(2) Any student accused of violating any provision of the rules of conduct will meet with the dean of students or his/her designee within twenty-four hours of notification, excluding nonclass days. Failure to cooperate with the meeting process may be taken into consideration and shall not preclude the dean of students from making a decision and imposing or recommending sanctions. The student will be informed of which provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, that might result from disciplinary proceedings. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations.

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

(a) Terminate the proceedings and exonerate the student;

(b) Dismiss after counseling; or

(c) Impose disciplinary sanctions from WAC 132N-120-070.

(4) Within seven working days of the initial meeting, or as soon thereafter as possible, the student will be provided written notice of any disciplinary action except a verbal warning. The notice shall be delivered personally or mailed first-class to the student's last known address. The notice shall state the factual basis for the action, shall advise the student of his/her right to appeal, and indicate whether the appeal will be heard informally by the chair of the committee on student conduct or formally by the entire committee membership.

In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action shall also be sent to the parents or guardian of the student at the discretion of the dean of students or designee.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-080, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-090 Appeals.** A student may appeal a disciplinary action by filing with the committee on student conduct, within ten days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding. The dean of students or designee has discretion to extend this deadline for good cause.

(1) A student may appeal any disciplinary action, other than a verbal warning, in the following order:

(a) Disciplinary action taken by the dean of students or his/her designee(s) may be appealed by filing a written application for an adjudicative proceeding with the committee on student conduct.

(b) Disciplinary recommendations made by the committee on student conduct may be appealed by filing a petition for administrative review with the president of the college.

(2) Any appeal by a student receiving a disciplinary sanction must be in writing, filed within ten working days from the date on which the decision is received and must state the grounds for the appeal. The following are grounds for appeal:

(a) A procedural error which materially affected the decision;

(b) New evidence not previously available which would have materially affected the decision;

(c) The decision was not supported by substantial evidence; or

(d) The severity or appropriateness of the sanction(s).

(3) All appellate decisions shall be sent from the office of the dean of students. Written decisions shall include the signature of the committee on student conduct chair.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-090, filed 8/8/97, effective 9/8/97.]

#### **WAC 132N-120-100 Committee on student conduct.**

(1) The committee on student conduct shall be convened by the dean of students no later than October 15 of each academic year. The committee shall provide a fair and impartial hearing and will make decisions on all disciplinary decisions appealed to it. Vacancies on the committee shall be filled as they arise.

(2) The committee shall include:

(a) Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);

(b) Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);

(c) One member of the administration, but not the dean of students, and one alternate appointed by the president of the college (two-year appointment).

(3) A quorum of the committee shall consist of three members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair.

(4) The chair shall be responsible for making procedural decisions and ensuring that all procedural safeguards and guidelines specified in RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132N-120 WAC are followed. In addition to the authority specified in WAC 10-08-200, the chair may conduct prehearing conferences in accordance with RCW 34.05.431 and WAC 10-08-130 and permit or conduct discovery in accordance with RCW 34.05.466 and WAC 10-08-060.

(5) Members of the committee on student conduct shall not participate in any case in which they are a defendant, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may

petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-100, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-110 Adjudicative proceedings before the committee on student conduct.** (1) The hearing shall be conducted in accordance with chapter 34.05 RCW, chapters 10-08 and 132N-120 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.

(2) The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the committee on student conduct from making its findings of facts, conclusions, and recommendations. This shall not limit the possibility of a default pursuant to RCW 34.05.440.

(3) The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW 34.05.434 and WAC 10-08-040. Such notice shall be given not less than ten calendar days before the date set for the hearing.

(4) The student shall be entitled to:

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

(b) Present evidence and argument in his/her own behalf and to cross-examine witnesses.

(5) The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; that designee may then present the college's case against the student accused of violating the rules of conduct.

(7) The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.

(8) The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW 34.05.476 as now or hereafter amended.

(9) The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.

(10) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, hearings conducted by the committee on student conduct will be held in closed session; provided the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford orderliness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt

the proceedings after the chair has asked him/her to cease or leave the hearing room shall be subject to disciplinary action.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-110, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-120 Recordkeeping.** (1) The dean of students shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records, including all orders, in all other cases where adjudication has been requested;

(c) A list or other summary of all disciplinary actions reported or known to the dean and not appealed.

(2) Final disciplinary actions shall be entered into student records, provided that the dean of students shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-120, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-130 Evidence admissible in hearings.** (1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college committee on student conduct has sufficient cause to believe that the accused student is guilty of violating the rules he/she is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.

(2) The chair of the committee on student conduct shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.

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

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-130, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-140 Initial order—Petition for administrative review—Final order.** (1) The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the committee on student conduct shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of students or to recommend any of the following actions:

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

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

[1998 WAC Supp—page 76]

(2) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).

(3) The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

(a) The president or designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-140, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-150 Summary action.** (1) Ordinarily, disciplinary sanctions will be imposed only after the appropriate brief adjudicative proceedings or adjudicative proceedings have taken place and after the student has, if he/she so chooses, exercised his/her right to appeal. However, if the dean of students or his/her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; or

(c) Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process, that student shall be summarily suspended and shall be notified verbally and/or by writing mailed by first-class mail to the student's last known address.

Summary suspension is appropriate only where (c) of this subsection can be shown either alone or in conjunction with (a) or (b) of this subsection.

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

(a) The charges against the student including reference to rules of student conduct or law allegedly violated;

(b) The time period during which summary suspension is effective; and

(c) That the student charged may request the summary suspension be reviewed by the dean of students or his/her designee.

(3) After review, the dean of students shall issue a written decision continuing, modifying or rescinding the summary suspension and/or taking any further disciplinary action that he/she deems appropriate. The decision shall include a brief statement of facts, conclusions and policy reasons to justify the decision to continue the summary action.

(4) A student may appeal a summary suspension like any other disciplinary action, by filing an application for an adjudicative proceeding. This appeal may be consolidated with any related pending matter.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-150, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-160 Suspension for failure to appear.** The dean of students is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-150 and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-160, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-170 Appeals from summary suspension hearing.** (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the committee on student conduct. No such appeal shall be entertained, however, unless:

(a) The charges have been reviewed by the dean of students; and

(b) The student has been officially notified of the outcome of the review; and

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132N-120-90.

(2) The committee on student conduct shall, within five working days, conduct a formal hearing according to the provisions of WAC 132N-120-110. Appeals from summary suspension take precedence over other matters before the committee.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-170, filed 8/8/97, effective 9/8/97.]

**WAC 132N-120-180 Final decision.** The president or his/her designee(s) shall review the findings and conclusions of the dean of students in conjunction with the recommendations of the committee on student conduct and will issue a final decision within three days.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N-120-180, filed 8/8/97, effective 9/8/97.]

## Chapter 132N-122 WAC

### WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### WAC

132N-122-010	Policy.
132N-122-020	Notification.
132N-122-030	Procedure for brief adjudicative proceeding.

**WAC 132N-122-010 Policy.** If any person, including faculty, staff, student or former student, is indebted to the college for an outstanding debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, admission to or registration with the college, conferring of degrees, transcripts or other services which have been requested by such person. Further, if the person is an employee of the college, the college shall have the right to offset such outstanding debts against the wages owed to the employee.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-019, § 132N-122-010, filed 11/10/97, effective 12/11/97.]

**WAC 132N-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due the college from the requesting person, the college shall notify the person by certified mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, no such services as are requested will be provided. If the outstanding debt is due the college from an employee, the college shall notify the employee by certified mail addressed to the employee's last known address of the debt owed to the college, the basis of the debt, and the intent to offset it against the wages or other payments due to the employee.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college if he or she believes that no debt is owed. The proceeding must be requested within twenty days of the date of mailing notification that services will be withheld.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-019, § 132N-122-020, filed 11/10/97, effective 12/11/97.]

**WAC 132N-122-030 Procedure for brief adjudicative proceeding.** Upon receipt of a request for appeal within twenty days of the initial action, the person designated by the president shall hold the brief adjudicative proceeding concerning whether the individual in fact owes or owed any outstanding debts to the college. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt and/or applying offset for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within ten days of the receipt of the appeal.

A review of this decision may be requested of the president or designee within twenty-one days of the decision. Notification of the final decision will be rendered within twenty days of the request for review. The decision of the president or designee shall be final.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-019, § 132N-122-030, filed 11/10/97, effective 12/11/97.]

## Chapter 132N-156 WAC

### PARKING AND TRAFFIC RULES AND REGULATIONS

#### WAC

132N-156-310	Authority.
132N-156-320	Definitions.
132N-156-330	Liability of the college.
132N-156-400	Authorized use of facilities.
132N-156-440	Traffic accidents.
132N-156-450	Traffic offenses.
132N-156-460	Bicycles and nonvehicular transportation usage.
132N-156-500	Allocation of parking space.
132N-156-550	Illegal parking.
132N-156-560	Hazardous parking.
132N-156-600	Faculty and staff parking permits.
132N-156-620	Fees for parking permits.
132N-156-630	Parking fee payment.
132N-156-635	Additional permits.
132N-156-650	Revocations.

132N-156-710	Payment of fines.
132N-156-720	Reduction in fines.
132N-156-730	Appeals.
132N-156-740	Security/parking advisory committee.
132N-156-750	Unpaid fines.

**WAC 132N-156-310 Authority.** Pursuant to RCW 28B.50.140(10) the board is granted authority to establish rules and regulations for pedestrians and vehicular and nonvehicular traffic over property owned, operated, and/or maintained by the college.

The enforcement of these rules and regulations shall be the responsibility of the security/safety office.

Security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate facilities use, traffic, and parking as prescribed in these rules and regulations.

Any person interfering with a college security officer in the discharge of the provisions of these rules and regulations shall be in violation of RCW 9A.76.020, Obstructing governmental operation, and may be subject to arrest by a peace officer.

Failure by students to abide by these rules and regulations may be considered to be a violation of the code of student conduct (chapter 132N-120 WAC, as applicable).

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-310, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-310, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-310, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-310, filed 9/18/87.]

**WAC 132N-156-320 Definitions. College - Clark College, Community College District 14.**

**College property -** Campus property, parking lots, or land owned, leased, controlled or maintained by Clark College.

**Immobilization -** Rendering a vehicle inoperable by use of a wheel-lock device.

**Impoundment -** Removal of a vehicle to a storage facility.

**Pedestrian -** Any person afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

**Student -** Any individual currently registered for classes at the college.

**Vehicular traffic or vehicles -** Those devices defined as "vehicles" in RCW 46.04.670.

**Nonvehicular modes of transportation -** Nonvehicular transportation devices shall include, but not be limited to, skateboards, snowmobiles, roller skates and roller blades, snow sleds, and scooters.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-320, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-320, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-320, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-320, filed 9/18/87.]

**WAC 132N-156-330 Liability of the college.** The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held responsible for the

loss of goods or property from vehicles parked on college property.

The college, the security/safety office, security officers, or other employees or agents shall not be held liable for any damages, claims, or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these rules and regulations. This section also applies to nonvehicular modes of transportation.

The college provides only limited maintenance to college parking lots during periods of inclement weather. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims arising from weather-or other natural disaster-related causes or conditions.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-330, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-330, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-330, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-330, filed 9/18/87.]

**WAC 132N-156-400 Authorized use of facilities.** Only those vehicles as defined and regulated in RCW 46.04.670 and as defined herein, may be operated in parking lots or in traffic areas by licensed drivers. No vehicle, with the exception of nonmotorized bicycles, wheelchair conveyances, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without the specific permission of the security/safety office.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-400, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-400, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-400, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-400, filed 9/18/87.]

**WAC 132N-156-440 Traffic accidents.** Persons involved in traffic accidents on college property are to report the accident to the security/safety office. An officer will be dispatched to investigate and file an accident report. In addition, RCW 46.52.030 requires that accidents on college property involving injury or property damage in excess of five hundred dollars be reported to local law enforcement agencies within twenty-four hours. Security officers are authorized to obtain and share with all parties to an accident information on the insurance coverage of the parties.

Nothing in this section should be interpreted so as to delay the immediate reporting of traffic accidents which involve injury or loss of life to appropriate noncollege authorities.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-440, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-440, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-440, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-440, filed 9/18/87.]

**WAC 132N-156-450 Traffic offenses.** When safety considerations warrant, security officers may issue a citation for any of the following traffic offenses:

- (1) Failure to yield right of way (posted);
- (2) Failure to yield right of way to pedestrian;
- (3) Failure to yield right of way to vehicle;
- (4) Failure to obey one-way directional arrows;
- (5) Failure to yield right of way to emergency vehicle;
- (6) Driving with excessive speed;
- (7) Failure to stop at traffic signal/sign;
- (8) Failure to use due care and caution;
- (9) Driving without lights after dark;
- (10) Having a passenger or animal outside of vehicle while in motion;
- (11) Driving with an obstructed view;
- (12) Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization;
- (13) Disobeying flagger, peace officer, security officer, fire fighter, or other agent of the college;
- (14) Damaging college property including but not limited to landscape and plant material, curbs, sidewalks, utilities, etc.
- (15) Driving while under the influence of intoxicants or with an open container of intoxicants.

All traffic offenses carry a fifty-dollar fine.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-450, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-450, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-450, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-450, filed 9/18/87.]

**WAC 132N-156-460 Bicycles and nonvehicular transportation usage.** Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways, though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner or engage in stunts or dangerous acts, or operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of wheelchair conveyances and certain college service vehicles, no other nonvehicular modes of transportation as specified in the preceding "definitions" will be allowed on college property.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-460, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-460, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-460, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-460, filed 9/18/87.]

**WAC 132N-156-500 Allocation of parking space.** The parking spaces available on college properties shall be assigned by the office of administrative services in a manner which will best attain the objectives of these regulations. The plant services department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, or marking the pavement.

**Open parking - Open parking** is limited to those parking areas not otherwise marked as reserved for faculty/staff, physically disabled persons, special use, service vehicle, or visitor. Users of open parking are not required to display a parking permit.

**Faculty/staff parking - Faculty, staff and administrators** using college owned or leased parking facilities up to 10:00 p.m. during the academic year are to purchase parking permits.

Faculty/staff parking spaces are marked on the pavement with an F/S. Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking spaces. Faculty/staff parking spaces shall be considered open parking zones from 10:00 p.m. to 7:00 a.m. when the college is in regular session.

Vehicles with approved faculty/staff parking permits are permitted to park in open parking areas only when the designated parking faculty/staff spaces are full.

**Visitor parking - All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public, may park on college property in open parking, in designated special use visitor zones, or as directed by the security/safety office.**

**Use of vehicle as habitation - No vehicle or vehicle trailer may be used as a place of habitation on any college facility without permission from the security/safety office.**

**Handicapped parking - Physically disabled persons parking zones may be occupied only by vehicles displaying a valid temporary parking permit issued by the college or a valid permanent or temporary permit issued by the state of Washington in compliance with RCW 46.16.381 and 46.16.390. Temporary parking permits are available in health services. Valid parking permits issued by other states will be honored.**

**Motorcycle parking - Motorcycle parking zones are reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces or other areas not designed for parking.**

**Service vehicle parking - Service vehicle parking zones are limited to use by authorized college service or contractor vehicles only.**

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-500, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-500, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-500, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-500, filed 9/18/87.]

**WAC 132N-156-550 Illegal parking.** No person shall stop, place, or park a vehicle at any place where official signs, curbs, or pavement markings prohibit parking, or within fifteen feet of a fire hydrant, or at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a parking stall shall be considered illegally parked.

Drivers who are instructed by a security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuse, will have their vehicle immediately impounded or immobilized.

Security officers may issue citations resulting in fines if the vehicle is found in the commission of any of the following parking violations:

- (1) Parking in a faculty/staff parking zone without a valid permit.
- (2) Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours without appropriate permission.
- (3) Occupying more than one parking space.
- (4) Parking in a space not designated for parking.
- (5) Parking in an area not authorized.
- (6) Blocking vehicular or pedestrian traffic.
- (7) Parking within fifteen feet of a fire hydrant.
- (8) Parking in a fire lane, sidewalk, or intracampus avenue.
- (9) Parking in a "No Parking" zone.
- (10) Parking on the grass.
- (11) Parking overnight without security office permission and/or permit.
- (12) Parking of a bicycle illegally.
- (13) Parking in physically disabled persons parking zone without an authorized parking permit.
- (14) Use of a vehicle for habitation without permission.
- (15) Illegal use of or failure to display permit.
- (16) Creating a safety hazard in the opinion of the security officer.

All parking citations carry a twenty-dollar fine, with the exception of physically disabled persons parking violations which carry a fifty-dollar fine.

Illegally parked vehicles which require removal will be done so at the owner's or operator's expense.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-550, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-550, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-550, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-550, filed 9/18/87.]

**WAC 132N-156-560 Hazardous parking.** No person shall stop, place, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk or at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, security officers are authorized to cite and immediately impound said vehicle. Security officers will complete a vehicle impound report, including the reason for the impoundment. Removal and impoundment will be at the owner's or operator's expense.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-560, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-560, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-560, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-560, filed 9/18/87.]

**WAC 132N-156-600 Faculty and staff parking permits.** All college faculty, staff, and administrators using college parking facilities at any time between 7:00 a.m. and 10:00 p.m. are to purchase and display a valid parking permit. The fact that an employee may be eligible to park in a physically disabled persons parking zone will not relieve

the employee of this requirement. A valid faculty/staff parking permit may not, by itself, constitute authority to park in other parking facilities leased or owned by the college.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-600, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-600, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-600, filed 9/18/87.]

**WAC 132N-156-620 Fees for parking permits.** The fees charged by the college for the issuance of permits shall be those established by the board of trustees. Parking permits are issued as a license to park at college facilities.

Fees collected will be utilized for parking operations including parking enforcement, parking lot maintenance, and for those transportation demand management and commute trip reduction activities and programs permitted by law.

Current faculty/staff parking permit fees are seven dollars and fifty cents per quarter for one vehicle, and an additional one dollar per quarter for each additional vehicle. Permits may be purchased on either a permanent, annual, or quarterly basis. Permits are required for fall, winter, and spring quarters.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-620, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-620, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-620, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-620, filed 9/18/87.]

**WAC 132N-156-630 Parking fee payment.** Faculty and staff can purchase annual or quarterly parking permits at either the college bookstore or at the cashier's office in the Baird Administration Building. Annually contracted faculty and staff members may select the payroll deduction plan for payment of the permanent permit. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit. The form is available in the security/safety office and the personnel services office.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-630, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-630, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-630, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-630, filed 9/18/87.]

**WAC 132N-156-635 Additional permits.** When an additional permit is issued, it is done so under the expressed condition that only one vehicle at a time is being parked on campus. If more than one vehicle is being parked on campus at any one time, full fees must be paid for all vehicles.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-635, filed 11/10/97, effective 12/11/97.]

**WAC 132N-156-650 Revocations.** Parking permits are licenses and the property of the college and may be revoked for any of the following reasons:

- (1) The purpose for which the permit was issued changes or no longer exists.

(2) The permit is used on an unregistered vehicle or by an unauthorized individual.

(3) A parking permit application form was falsified.

(4) These parking regulations were violated.

(5) The parking permit was counterfeited or altered or transferred without authorization.

(6) There has been failure to comply with a specific determination, decision, or directive by college officials.

Appeals of parking permit revocations may be made within twenty days to the security/safety manager for a brief adjudicative procedure. Appeals to the dean of administrative services must be filed within twenty-one days of the date of notice of revocation. The decision of the dean is final.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-650, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-650, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-650, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-650, filed 9/18/87.]

**WAC 132N-156-710 Payment of fines.** Persons cited for violations of these rules and regulations may respond either by filing a written appeal with the security/safety manager or by paying a fine within fifteen days of receipt of the citation. All fines are payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the Baird Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-710, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-710, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-710, filed 9/18/87.]

**WAC 132N-156-720 Reduction in fines.** Fines for parking and traffic offenses will be reduced by five dollars if paid in person within forty-eight hours, excluding weekends and holidays. No reduction will be made on mail-in payments.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-720, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-720, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-720, filed 9/18/87.]

**WAC 132N-156-730 Appeals.** Alleged violators may appeal to the security/safety manager for a brief adjudicative procedure within twenty days of the date of the citation. The security/safety manager may dismiss, suspend, impose any lesser fine, and/or grant an extension of time within which to pay the fine.

Appeals of the decision of the security/safety manager are to be submitted to the dean of administrative services without posting of fine within twenty-one days. Written notification of the dean's decision shall be made within twenty days of the appeal and shall be final.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-730, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, §

132N-156-730, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-730, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-730, filed 9/18/87.]

**WAC 132N-156-740 Security/parking advisory committee.** The security/parking advisory committee is responsible for advising the security/safety office on security and parking operations. Committee functions include, but are not limited to, the following:

(1) Reviewing parking regulations and fees and recommending their adoption.

(2) Reviewing and recommending changes to parking lot configuration and use to improve quality and quantity of parking on campus.

(3) Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The security/parking advisory committee meets as needed, when the college is in session, and consists of the following:

(a) Dean of administrative services, chair.

(b) Security/safety supervisor.

(c) Two faculty members.

(d) Two classified employees.

(e) One student.

(f) Director of veterans affairs/disabled services/ sponsored programs.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-740, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-740, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-740, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-740, filed 9/18/87.]

**WAC 132N-156-750 Unpaid fines.** If any fine remains unpaid, any or all of the following actions may be taken by the security/safety office.

(1) A hold may be placed on transcripts.

(2) Registration for the following quarter may be delayed.

(3) Parking privileges may be revoked.

(4) The amount due as a result of fines due and payable may be deducted from paychecks of college employees.

(5) Outstanding fines may be referred to a collection agency.

(6) The vehicle may be immobilized or impounded.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities who receive fines for violations of these rules and regulations. Visitors who have received citations for parking violations may consider the citation a courtesy notice if returned to the security/safety office with name, address, and a brief explanation.

[Statutory Authority: Chapter 28B.50 RCW. 97-23-018, § 132N-156-750, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-750, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-750, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and

28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-750, filed 9/18/87.]

19-026, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 28B.50.140.

## Title 132P WAC COMMUNITY COLLEGES— YAKIMA VALLEY COMMUNITY COLLEGE

### Chapters

**132P-116**      **Yakima Valley Community College  
parking and traffic regulations.**

#### Chapter 132P-116 WAC

#### YAKIMA VALLEY COMMUNITY COLLEGE PARKING AND TRAFFIC REGULATIONS

#### WAC

132P-116-010	Purpose.
132P-116-020	Definitions.
132P-116-040	Permits required for vehicles in designated permit areas.
132P-116-050	Registration of student, faculty, staff, and visitors vehicles.
132P-116-060	Authorization for issuance of permits.
132P-116-070	Valid permit.
132P-116-080	Display of permit.
132P-116-090	Repealed.
132P-116-100	Permit revocation.
132P-116-110	Right to refuse permit.
132P-116-120	Responsibility of person to whom permit is issued.
132P-116-130	Designation of parking spaces.
132P-116-140	Parking within designated spaces.
132P-116-150	Designated permit area hours.
132P-116-160	Repealed.
132P-116-170	Parking in prohibited places.
132P-116-200	Pedestrian's right of way.
132P-116-210	Two-wheeled motorbikes, bicycles, skateboards, or rollerblades.
132P-116-220	Report of accident.
132P-116-230	Specific traffic and parking regulations and restrictions authorized.
132P-116-240	Enforcement.
132P-116-250	Issuance of traffic citations.
132P-116-260	Fines and penalties.
132P-116-270	Parking fees.
132P-116-280	Liability of the college.
132P-116-290	Appeal of fines and penalties.
132P-116-300	Parking/traffic appeals board.

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

132P-116-090	Transfer of permit. [Statutory Authority: RCW 28B.50.140(10). 80-12-026 (Order 21-80, Resolution No. 21-80), § 132P-116-090, filed 8/27/80.] Repealed by 97-19-026, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 28B.50.140.
132P-116-160	Night parking. [Statutory Authority: RCW 28B.50.140(10). 80-12-026 (Order 21-80, Resolution No. 21-80), § 132P-116-160, filed 8/27/80.] Repealed by 97-

**WAC 132P-116-010 Purpose.** Pursuant to the authority granted by RCW 28B.50.140, the board of trustees of Yakima Valley Community College, District 16 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated or maintained by the college district. The rules and regulations contained herein are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the operation of the college.
- (5) To regulate the use of parking spaces.

[Statutory Authority: RCW 28B.50.140. 97-19-026, § 132P-116-010, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 28B.50.140(10). 80-12-026 (Order 21-80, Resolution No. 21-80), § 132P-116-010, filed 8/27/80.]

**WAC 132P-116-020 Definitions.** As used in this chapter, the following words shall mean:

- (1) "College." Yakima Valley Community College, or any additional community college hereafter established with Community College District 16, state of Washington, and collectively, those responsible for its control and operations.
- (2) "College community." Trustees, students, employees, and guests on college owned or controlled facilities.
- (3) "College facilities." Includes any or all property owned or operated by the college.
- (4) "Student." Includes all individuals enrolled at the college, or in any educational program operating on the college facilities, both full and part time.
- (5) "Director of facilities operations." An employee of Yakima Valley Community College, District 16, state of Washington, who is responsible to the vice-president for administrative services for campus security, safety, parking and traffic control.
- (6) "Vehicle." All modes of transportation including, but not limited to automobiles, trucks, motor-driven cycles, scooters, or any vehicle powered by a battery or engine, and also including bicycles and other nonengine vehicles.
- (7) "Visitor." Any individual who comes to campus who is neither an employee nor a registered student of the college.
- (8) "Permanent permits." Permits valid for a college year or quarter.
- (9) "Temporary permits." Permits valid for less than a quarter and/or a specific period designated on the permit.
- (10) "College year." Unless otherwise designated, the time period commencing with the fall quarter of a community college calendar year and extending through the immediately subsequent winter, spring, and summer quarters. The fall quarter shall be considered the first quarter of the college year for parking and traffic control purposes.
- (11) "Special permits." Permits issued for specific purposes by campus security to enhance the business or operation of the college.