

# Title 132M WAC

## COMMUNITY COLLEGES—LOWER COLUMBIA COLLEGE

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Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

List of academic employees—Posting of list. [Order 2-75, § 132M-150-015, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Election inspectors—Duties—Right to challenge voter—Improper conduct. [Order 2-75, § 132M-150-018, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Ballots. [Order 2-75, § 132M-150-021, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Record of vote—Signature—Challenge. [Order 2-75, § 132M-150-024, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Incorrectly marked ballot. [Order 2-75, § 132M-150-027, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Privacy for voter—Equipment. [Order 2-75, § 132M-150-030, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Folding ballot—Ballot box. [Order 2-75, § 132M-150-033, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Challenged ballot—Procedure. [Order 2-75, § 132M-150-036, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Employees present entitled to vote—Sealing ballot box—Unused ballots. [Order 2-75, § 132M-150-039, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Election inspectors duties after voting has terminated. [Order 2-75, § 132M-150-042, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 2-75, § 132M-150-045, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 2-75, § 132M-150-048, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Electioneering within the polls forbidden. [Order 2-75, § 132M-150-051, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Contest of election—Time for filing objections—Investigation of objections. [Order 2-75, § 132M-150-054, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Persons eligible to vote—Definition of "academic employee." [Order 2-75, § 132M-150-057, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

Election determined by majority of valid votes cast—Run-off election. [Order 2-75, § 132M-150-060, filed

1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-150-063 Time lapse for new election. [Order 2-75, § 132M-150-063, filed 1/27/76.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

#### Chapter 132M-168 LIBRARY

132M-168-010 Reserve books. [Order 15, § 132M-168-010, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-168-020 General circulation. [Order 15, § 132M-168-020, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-168-030 Periodicals. [Order 15, § 132M-168-030, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-168-040 Fines. [Order 15, § 132M-168-040, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-168-050 Hours. [Order 15, § 132M-168-050, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

#### Chapter 132M-104 WAC

##### RULE ON REGULAR MEETING DATE FOR BOARD OF TRUSTEES

###### WAC

132M-104-010 Regular meetings.

**WAC 132M-104-010 Regular meetings.** On or before January of each year the board of trustees shall publish in the Washington State Register a regular meeting date for that year.

[Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-104-010, filed 11/4/81; Order 15, § 132M-104-010, filed 12/20/72.]

#### Chapter 132M-108 WAC

##### PROCEDURE

###### WAC

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

**WAC 132M-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 this institution. 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 this institution shall govern.

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[Statutory Authority: RCW 28B.50.140. 92-09-005, § 132M-108-010, filed 4/2/92, effective 5/3/92.]

#### WAC 132M-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)][(a)] Appeals from residency classifications made pursuant to RCW 28B.15.013;

[(2)][(b)] Appeals from parking infractions;

[(3)][(c)] Student conduct or disciplinary proceedings;

[(4)][(d)] Outstanding debts of college employees or students;

[(5)][(e)] Loss of eligibility to participate in athletic events;

[(6)][(f)] Challenges to the contents of education records pursuant to WAC 132M-113-055(2);

(g) Mandatory tuition and fee waivers.

[Statutory Authority: RCW 28B.50.140(13), 1995 c 36 § 2 and amendment to RCW 28B.16.600. 95-16-069, § 132M-108-020, filed 7/28/95, effective 8/28/95. Statutory Authority: RCW 28B.50.140. 92-09-005, § 132M-108-020, filed 4/2/92, effective 5/3/92.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

#### WAC 132M-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. 92-09-005, § 132M-108-030, filed 4/2/92, effective 5/3/92.]

#### WAC 132M-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. 92-09-005, § 132M-108-040, filed 4/2/92, effective 5/3/92.]

#### WAC 132M-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 agency action giving rise to the application, unless provided for otherwise by statute or

(1999 Ed.)

rule: President's Office, 1600 Maple Street, Longview, Washington 98632.

[Statutory Authority: RCW 28B.50.140. 92-09-005, § 132M-108-050, filed 4/2/92, effective 5/3/92.]

**WAC 132M-108-060 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. 92-09-005, § 132M-108-060, filed 4/2/92, effective 5/3/92.]

**WAC 132M-108-070 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 132M-108-030, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.50.140. 92-09-005, § 132M-108-070, filed 4/2/92, effective 5/3/92.]

**WAC 132M-108-080 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. 92-09-005, § 132M-108-080, filed 4/2/92, effective 5/3/92.]

**WAC 132M-108-090 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. 95-11-014, § 132M-108-090, filed 5/5/95, effective 6/5/95.]

## Chapter 132M-110 WAC

### PUBLIC RECORDS DISCLOSURE POLICY

#### WAC

132M-110-010	Purpose.
132M-110-020	Definitions.
132M-110-030	Description of central and field organization of Community College District Number Thirteen.
132M-110-040	Operations and procedures.
132M-110-050	Public records availability.
132M-110-060	Public records officer.
132M-110-070	Office hours.
132M-110-080	Requests for public records.
132M-110-090	Copying.
132M-110-100	Exemptions.
132M-110-110	Review of denials of public records.
132M-110-120	Protection of public records.
132M-110-130	Records index.
132M-110-140	Adoption of form.
132M-110-990	Appendix A—Request for public record.

**WAC 132M-110-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Community College District Number Thirteen with the provisions of chapter 42.17 RCW Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250-42.17.320 of that act, dealing with public records.

(1999 Ed.)

[Order 1-75, § 132M-110-010, filed 11/10/75.]

**WAC 132M-110-020 Definitions.** (1) **Public records.** "Public record" indicates those documents which contain information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) **Community College District Number Thirteen.** The Community College District Number Thirteen is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District Number Thirteen shall hereinafter be referred to as the "college" and includes the institution known as Lower Columbia College. Where appropriate, the term college also refers to the board of trustees, and the officers, agents, and employees of the college.

[Order 1-75, § 132M-110-020, filed 11/10/75.]

**WAC 132M-110-030 Description of central and field organization of Community College District Number Thirteen.** District number thirteen is a community college district organized under RCW 28B.50.040. The college administrative office and its staff are located at Lower Columbia College, 1600 Maple Street, Longview, Washington, 98632.

[Order 1-75, § 132M-110-030, filed 11/10/75.]

**WAC 132M-110-040 Operations and procedures.** The college is established under RCW 28B.50.040 to implement the educational purposes established under RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the third Wednesday of each month, unless otherwise determined, at a place designated by the chairman of the board in accordance with public notice and hold such special meetings as are announced by public notice. At such time, the trustees exercise the powers and duties granted it under RCW 28B.50.140.

[Order 1-75, § 132M-110-040, filed 11/10/75.]

**WAC 132M-110-050 Public records availability.** All public records of the college, as defined in WAC 132M-110-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132M-110-100.

[Order 1-75, § 132M-110-050, filed 11/10/75.]

**WAC 132M-110-060 Public records officer.** The college's public records shall be in the charge of the records officer designated by the college president. The person so designated may in turn designate persons in the administra-

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tive office to implement this section. The records officer and his designees shall be responsible for:

- (1) The implementation of the rules and regulations of the college regarding release of public records.
- (2) Coordinating the staff of the college in this regard.
- (3) Insuring compliance by the staff with the public disclosure requirements of chapter 42.17 RCW.

[Order 1-75, § 132M-110-060, filed 11/10/75.]

**WAC 132M-110-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the college. 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 and other college holidays.

[Order 1-75, § 132M-110-070, filed 11/10/75.]

**WAC 132M-110-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office on the campus. The form shall be presented to the records officer and/or his designees at the administrative office on the campus 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 material requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in the index;
- (e) If the material requested is not identifiable by reference to the current index, an appropriate description of the record requested.

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

(3) The records officer and/or his designee to whom the request is presented shall respond promptly and

- (a) Make the requested document available, or
- (b) State that such a document does not exist, or
- (c) Ask for clarification of the document requested, or
- (d) Deny access if the record is exempt from public inspection under WAC 132M-110-050 as determined by RCW 42.17.310.

[Order 1-75, § 132M-110-080, filed 11/10/75.]

**WAC 132M-110-090 Copying.** No fee shall be charged for the inspection of public records. The college shall charge a minimum fee of twenty-five cents per page of copy for providing copies of public records. In the event the copying of

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public records would unreasonably burden existing personnel of the college, or additional personnel and/or equipment would have to be added because of the request(s) for copying the public records, then a reasonable charge may be added to the twenty-five cents per copy minimum to reflect the cost for additional personnel or equipment. The increased cost shall be determined by the records officer and shall be stated on the form requesting the copying of public records when the same request is approved by the records officer. In any case where the records officer estimates that the cost of duplication of a request will exceed ten dollars, then he may at his discretion require an advance payment of all or a percentage of the cost estimate prior to complying with the request for duplication. When, in the opinion of the records officer, it would be less expensive or more practical to duplicate public records by contract with a printing company, then the records officer shall have the authority to do the same and the actual cost of the printing shall be paid by the person requesting the duplication.

[Order 1-75, § 132M-110-090, filed 11/10/75.]

**WAC 132M-110-100 Exemptions.** (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132M-110-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The records officer and/or his designee 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.

[Order 1-75, § 132M-110-100, filed 11/10/75.]

**WAC 132M-110-110 Review of denials of public records.** (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 records officer and/or his designees which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the records officer and/or his designee denying the request shall refer it to the college president. The college 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 college has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 1-75, § 132M-110-110, filed 11/10/75.]

**WAC 132M-110-120 Protection of public records.** Requests for public records shall be to the agency records officer and/or his designees in the appropriate locations on the campus. Public records and a facility for their inspection will be provided by the records officer and/or his designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made only at Lower Columbia 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 132M-110-090.

[Order 1-75, § 132M-110-120, filed 11/10/75.]

**WAC 132M-110-130 Records index.** (1) The records officer and/or his or her designee has available to all persons a current index which provides identifying information as to those records promulgated and indexed since June 30, 1972, pursuant to RCW 42.17.260. The records officer shall be

located in the Personnel Office, Lower Columbia College, 1600 Maple Street, Longview, WA 98632. The college's schedule for revising and updating the index may be obtained by contacting the records officer.

(2) The index shall reference records by one or more of the following classifications: Date of implementation, subject matter, or organizational unit.

(3) 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.

[Statutory Authority: RCW 28B.50.140. 92-09-004, § 132M-110-130, filed 4/2/92, effective 5/3/92; Order 1-75, § 132M-110-130, filed 11/10/75.]

**WAC 132M-110-140 Adoption of form.** The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records SF 276, attached hereto as Appendix "A," entitled "request for public record."

[Order 1-75, § 132M-110-140, filed 11/10/75.]

**WAC 132M-110-990 Appendix A—Request for public record.**



REQUESTER: Please complete form and submit to "Public Records Officer" of the state agency identified.

**REQUEST FOR PUBLIC RECORD**

TO	NAME OF STATE AGENCY		DATE OF REQUEST	TIME OF REQUEST
PUBLIC RECORDS OR INFORMATION REQUESTED			REQUESTED BY	
REQUESTER READ AND SIGN				
COMPLETED BY AGENCY PUBLIC RECORDS OFFICER		ACKNOWLEDGEMENT OF RECEIPT		
NO. OF COPIES	AMOUNT RECEIVED	DATE OF RECEIPT	TIME OF RECEIPT	I understand that I must abide by the Rules and Regulations published by the agency identified, for the protection of public records, a copy of which I have read and understand.
	\$			
PUBLIC RECORDS OFFICER		RECIPIENT'S SIGNATURE		I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.
		⇒		
REASON IF AGENCY IS UNABLE TO COMPLY				REQUESTER'S SIGNATURE
				⇒

Form S.F. 276 (6/75)

[Order 1-75, Appendix A (codified as WAC 132M-110-990), filed 11/10/75.]

**Chapter 132M-113 WAC  
ACCESS TO STUDENT RECORDS**

- 132M-113-015 Waiver of student access right.
- 132M-113-020 Release of information—General policy and procedure.
- 132M-113-025 Release of information to or about parents and spouses.
- 132M-113-030 Release of personally identifiable records.
- 132M-113-040 Release of information in emergencies.
- 132M-113-050 College records.
- 132M-113-055 Review of records requests and requests to amend.

WAC  
132M-113-010 Student's access to records.  
(1999 Ed.)

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

- 132M-113-035 Release of information to the public. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-035, filed 11/4/81.] Repealed by 92-09-093, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW.
- 132M-113-045 Notification and record of access. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-045, filed 11/4/81.] Repealed by 92-09-093, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW.

**WAC 132M-113-010 Student's access to records. (1)**

When a student enrolls at the college and submits the required data for academic and personal records, there is an assumption of trust placed in the college as custodian of this data. The college policy is that "education records," as defined at 20 U.S.C. § 1232g (a)(4), shall remain confidential, except as otherwise specified in this chapter. The college fully subscribes to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

(2) Students may inspect and review the contents of their education records upon request to the appropriate record custodian. Students should submit a written request to the college individual or office having custody of the particular record which identifies as precisely as possible the record(s) the student wishes to inspect. The review must be conducted within forty-five days of the request. A college individual or office which is unable to comply with a student's request within the time period stated above shall inform the student of that fact and the reasons in writing.

(3) Where requested records or data include information about more than one student, the student shall be entitled to inspect and review only that part of the record or data that pertains to the student.

(4) Recommendations, evaluations, or comments concerning a student, which are provided in expressed or implied confidence as between the author and the recipient, shall be made available to the student except as provided in WAC 132M-113-015.

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-010, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-010, filed 11/4/81.]

**WAC 132M-113-015 Waiver of student access right.**

(1) Students may waive their access rights to confidential recommendations related to the student's admission, application for employment, and receipt of honors.

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

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

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

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

(3) Confidential letters and recommendations to which a student has waived his/her right of access, or which were

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placed in the student's file prior to January 1, 1975, may not be used for any purpose other than that specifically intended and shall not be subject to release under WAC 132M-113-010(2). Such records shall remain confidential and shall be released only with consent of the author.

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-015, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-015, filed 11/4/81.]

**WAC 132M-113-020 Release of information—General policy and procedure. (1)**

The college respects the right of its students to determine employers or prospective employers to whom they wish the college to furnish personal information. At the written request of the student concerned, the college will respond to inquiries originating from employers or prospective employers—public or private.

(2) The college shall send individually identified written reports to other educational institutions only with written consent of the student involved, according to the requirements of WAC 132M-113-030.

(3) All students, including those who have not reached the age of 18, enrolled at the college must give written consent pursuant to WAC 132M-113-030 before any parties other than those authorized under WAC 132M-113-030 can review their records.

(4) No records shall be kept that reflect a student's political or ideological beliefs or associations. Information relative to an identifiable individual's race or creed will not be provided at any time, except when specifically authorized by federal law.

(5) Information contained in counseling and disciplinary files will not be released except as provided in WAC 132M-113-030.

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

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-020, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-020, filed 11/4/81.]

**WAC 132M-113-025 Release of information to or about parents and spouses.**

Parents and spouses of students enrolled at the college may have access to the student's records only with the written consent of the student. Students shall not be given access to their parents' financial records.

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-025, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-025, filed 11/4/81.]

**WAC 132M-113-030 Release of personally identifiable records. (1)**

The college shall not permit access to or the release of education records or personally identifiable information contained therein without the written consent of the student to any party other than the following:

(a) College staff, faculty, and students when officially appointed to a faculty council or administrative committee,

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when the information is required for a legitimate educational interest within the performance of their responsibilities to the college with the understanding that the information will be used only in connection with that interest.

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

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

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

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

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

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

- (a) A specification of the records to be released;
- (b) The reasons for such release; and

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

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

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

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-030, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-030, filed 11/4/81.]

(1999 Ed.)

**WAC 132M-113-040 Release of information in emergencies.** Necessary student information may be released in connection with an emergency and/or to protect the health and safety of a student or other persons. Definition of "emergency" is left to the custodian of the records, but must be strictly construed.

[Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-040, filed 11/4/81.]

**WAC 132M-113-050 College records.** (1) A list of the types of education records maintained by the college and the record locations may be obtained by the student at the registrar's office. All college staff or offices having custody of education records will develop procedures in accordance with WAC 132M-113-010 through 132M-113-055. Any supplementary regulations found necessary by departments will be filed with the registrar's office, which will be responsible for periodic review of policy and procedures.

(2) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons except as allowed under 20 U.S.C. § 1232g (b)(6). Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-050, filed 4/17/92, effective 5/18/92.]

**WAC 132M-113-055 Review of records requests and requests to amend.** (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his/her educational records is inaccurate or misleading or violates his/her privacy may request that the college amend these records. The student should identify the part of the record they seek to amend and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy rights.

(b) The college shall decide within ten working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides not to amend the record as requested, it shall inform the student of the decision and advise the student of the right to a brief adjudicative proceeding.

(d) The student aggrieved by a denial of his/her request to amend records may file an official grievance in accordance with the provisions of WAC 132M-108-020. However, any matter regarding the appropriateness of official academic grades shall not be reviewed beyond that provided for in WAC 132M-120-310.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his/her educational records explaining that he/she disagrees with the decision of the college and setting out the reasons why. This statement shall be retained as long as the disputed information is on file

and shall be forwarded with this information any time it is disclosed to an outside agency.

[Statutory Authority: RCW 28B.50.140, 20 USC ss 1232g and chapter 34.05 RCW. 92-09-093, § 132M-113-055, filed 4/17/92, effective 5/18/92.]

### Chapter 132M-115 WAC

#### TENURE

##### WAC

132M-115-001 Tenure.

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

132M-115-010 Definitions of terms relating to tenure. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-115-010, filed 11/4/81.] Repealed by 92-09-007, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140.

132M-115-020 Tenure. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-115-020, filed 11/4/81.] Repealed by 92-09-007, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140.

132M-115-030 Tenure termination review committee. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-115-030, filed 11/4/81.] Repealed by 92-09-007, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140.

132M-115-040 Review committees for probationary faculty. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-115-040, filed 11/4/81.] Repealed by 92-09-007, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140.

**WAC 132M-115-001 Tenure.** This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is the declared policy of the board of trustees of Washington Community College District No. 13 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the collective bargaining agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

[Statutory Authority: RCW 28B.50.140. 92-09-007, § 132M-115-001, filed 4/2/92, effective 5/3/92.]

### Chapter 132M-116 WAC

#### PARKING REGULATIONS

##### WAC

132M-116-010 Parking regulations.

**WAC 132M-116-010 Parking regulations.** (1) Students, faculty, staff, and visitors using Lower Columbia College's parking facilities shall not park in designated "no parking" areas, such as fire lanes, driveways, walkway entrances, loading zones, or any area marked with yellow paint.

(2) Private vehicles shall not be parked in areas designated for "motor pool." Individuals shall not park in "handicapped" spaces without proper stickers attached to their vehicles.

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(3) Vehicles that are found in violation of the above restrictions shall be subject to citation, stationary abduction, or towing.

[Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-116-010, filed 11/4/81; Order 15, § 132M-116-010, filed 12/20/72.]

### Chapter 132M-120 WAC

#### STUDENT RIGHTS AND RESPONSIBILITIES

##### WAC

##### STUDENT CONDUCT CODE

132M-120-010 General policy.  
132M-120-020 Definitions.  
132M-120-025 Student rights.  
132M-120-030 Access to college facilities.  
132M-120-040 Student responsibilities.  
132M-120-065 Disciplinary sanctions.  
132M-120-095 Delegation of disciplinary authority.  
132M-120-100 Appeals.  
132M-120-110 Hearing procedures before the student hearing and grievance committee.  
132M-120-120 Evidence admissible in proceedings.  
132M-120-130 Decision by the student hearing and grievance committee.

##### SUMMARY SUSPENSION

132M-120-200 Summary suspension procedures.  
132M-120-210 Notice of summary suspension.  
132M-120-220 Appeals from summary suspension.

##### ACADEMIC GRIEVANCES

132M-120-300 Student grievances.  
132M-120-310 Grievance procedures.  
132M-120-320 Withdrawal of grievance.

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

132M-120-050 Offenses which may result in probation. [Order 15, § 132M-120-050, filed 12/20/72.] Repealed by 92-09-094, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140.

132M-120-060 Cheating or plagiarism. [Order 15, § 132M-120-060, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

132M-120-070 Nonacademic conduct. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-120-070, filed 11/4/81; Order 15, § 132M-120-070, filed 12/20/72.] Repealed by 92-09-094, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140.

132M-120-080 Disciplinary procedures. [Order 15, § 132M-120-080, filed 12/20/72.] Repealed by 92-09-094, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140.

132M-120-090 Sanction procedures. [Order 15, § 132M-120-090, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

##### STUDENT CONDUCT CODE

**WAC 132M-120-010 General policy.** (1) The college is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct which encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community.

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(2) In keeping with these objectives the college, to the extent appropriate and feasible, shall pursue the same policies with regard to maintaining standards of behavior for students.

(3) The college distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a law of the local community, the state, or the nation, the college will not request or agree to special consideration for the student because of his/her status as a student. Where the violation occurred on college facilities or at a college-sponsored event, the student apprehended shall be held accountable to the provisions of this chapter and the proceedings of the appropriate law enforcement agencies shall have no bearing on the outcome of the college proceedings. The college will cooperate fully, however, with law enforcement agencies, and with other agencies on any program for the rehabilitation of the student.

(4) The college may apply sanctions or take other appropriate action when student conduct materially and substantially interferes with teaching, freedom of movement, or other lawful activities of the college campus.

(5) Procedural due process is basic to the proper enforcement of all college rules.

(6) In particular, no disciplinary sanction shall be imposed without notice to the accused of the nature of the charges. A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(7) Students shall have an opportunity to participate in the formulation of all policies and rules pertaining to student conduct and in the enforcement of all such rules.

(8) Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including like penalties for like violations.

(9) All rules adopted herein concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-sponsored activity whether occurring on or outside of college facilities.

(10) Faculty members, other college employees, 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, the district's tenure rules and policies, or other applicable district policies.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-010, filed 4/17/92, effective 5/18/92; Order 15, § 132M-120-010, filed 12/20/72.]

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

(1) "Board" shall mean the board of trustees of Community College District No. 13, state of Washington.

(2) "College" shall mean Lower Columbia College and any other community college which may be created by the board of trustees of Community College District No. 13, state of Washington.

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(3) "College facilities" shall mean and include any or all real and personal property operated by the board of trustees of Community College District No. 13, state of Washington, and shall include all building appurtenances affixed thereon or attached thereto.

(4) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by any community college administered by the board of trustees of Community College District No. 13, state of Washington.

(5) "Disciplinary action" shall mean and include warning, reprimand, probation, suspension, dismissal, or any lesser sanction of any student by college officials, the student hearing and grievance committee, or the president for the violation of any of the provisions of any law, this chapter, or the student conduct code for which sanctions may be imposed.

(6) "District" shall mean Community College District No. 13, state of Washington.

(7) "Faculty members" shall mean any employee of a community college administered by the board of trustees of Community College District No. 13, state of Washington, who is employed on a full-time or part-time basis as a teacher, counselor, media specialist, or other position for which the training, experience, and responsibilities are comparable as determined by the board, except administrative appointments.

(8) "President," unless otherwise designated, shall mean the duly appointed president of Lower Columbia College and Community College District No. 13, state of Washington.

(9) As used in this chapter, "dean" shall mean the individual designated by the president to be responsible for handling student discipline and student appeals and grievances.

(10) A "sponsored event or activity" shall mean any activity which is scheduled by the college and supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and a free-time period is permitted to the students participating in the event, any activity taking place during such a free-time period outside of the supervision and control of the event or activity shall be deemed to be a nonsponsored activity.

(11) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees of Community College District No. 13, state of Washington.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-020, filed 4/17/92, effective 5/18/92; Order 15, § 132M-120-020, filed 12/20/72.]

**WAC 132M-120-025 Student rights.** The following enumerated rights are guaranteed to each student within the limits of the law and college policy:

(1) Academic freedom.

(a) The right of free inquiry, expression, and assembly upon and within college facilities which are generally open and available to the public.

(b) The right to pursue appropriate educational objectives, subject to applicable statutory limits, from among the college's curricula, programs, and services.

(c) The right to be protected from academic evaluation which is arbitrary, capricious, or prejudiced. However, students are individually responsible for meeting the standards of academic performance established by each of their instructors.

(d) The right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and racial and/or sexual harassment.

(e) The right to freedom of responsible expression in student publications and other media.

(f) The right to freedom to organize and join associations and to promote any legal purpose.

(2) Due process.

(a) The right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

(b) The right to notice of the nature of any charges against the student prior to the imposition of any disciplinary sanctions.

(c) The right to procedural due process as set forth in this chapter whenever a student is accused of violating any law, rule, or policy of the college.

(3) Distribution and posting. The right to distribute or post printed or published material subject to official procedures printed and available in the office of student programs.

(4) Off-campus speakers. The right for recognized student organizations to invite outside speakers to speak on campus subject to availability of campus facilities, funding, and compliance with the college procedures available in the office for student programs.

[Statutory Authority: RCW 28B.50.140, 92-09-094, § 132M-120-025, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-030 Access to college facilities.** (1) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall have the right to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and other members of the college community, Lower Columbia College recognizes the responsibility to maintain an atmosphere on campus conducive to the educational process.

(3) The president of the college or his/her designee shall have the authority and power to invoke the provisions described in this chapter 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. The president or his/her designee may:

(a) Prohibit the entry of a person or persons or withdraw the license or privilege of a person or persons to enter or remain upon any portion of a college facility; or

(b) Order any person, persons, or groups of persons to leave or vacate all or any portion of a college facility.

(4) Any individual who disobeys a lawful order given by the president or his/her designee shall be subject to disciplinary action and/or charges of criminal trespass.

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[Statutory Authority: RCW 28B.50.140, 92-09-094, § 132M-120-030, filed 4/17/92, effective 5/18/92; Order 15, § 132M-120-030, filed 12/20/72.]

**WAC 132M-120-040 Student responsibilities.** Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principal actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 as now law or hereafter amended, 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 offenses which are hereby prohibited:

(1) Forgery, alteration, or misuse of college documents, records, or identification cards. 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 any college employee or agent acting in his/her official capacity.

(2) Assault, reckless endangerment, intimidation, or interference upon another person in the manner set forth in RCW 9A.36.011 through 9A.36.050, 9A.36.070, and 9A.36.080 or 28B.10.570 through 28B.10.572 as now law or hereafter amended.

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

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

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

(6) 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 academic performance.

(7) Disorderly or abusive conduct. Conduct which materially and substantially interferes, obstructs, or disrupts academic, adjudicative, or administrative functions, or which interferes with the rights and privileges of others.

(8) 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 rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(9) 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 dean or his/her designee and in compliance with state law and college policy.

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

(11) Illegal entry. Entering or remaining in any administrative or other employee office or any locked or otherwise closed college facility or entering after the closing time of

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such facilities in any manner, at any time, without permission of the college employee or agent in charge thereof.

(12) 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.

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

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-040, filed 4/17/92, effective 5/18/92; Order 15, § 132M-120-040, filed 12/20/72.]

**WAC 132M-120-065 Disciplinary sanctions.** The following disciplinary sanctions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter and pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. Written notice to a student by the dean that he/she has violated the rules of conduct as outlined in this chapter or has otherwise failed to meet the college's standards of conduct. Such warnings shall indicate that continuation or repetition of the specific conduct involved or engaging in other misconduct will normally result in one or more of the serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132M-120-040. Reprimands shall be made in writing to the student by the dean. A reprimand shall indicate to the student that continuation or repetition of the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Restitution. Reimbursement for damage, misappropriation of or loss to college or other property, and for injury to persons. Failure to make restitution within thirty days shall result in dismissal for an indefinite period of time as set forth below: *Provided*, That the student may be reinstated upon payment.

(4) Disciplinary probation. Formal action by the dean placing conditions upon the student's continued attendance for violating the rules of conduct as outlined in WAC 132M-120-040. 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 extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension. Temporary dismissal from the college and termination of student status for a given period of time. Notice shall be made in writing and specify the duration and any special conditions which must be met before readmission.

(6) Dismissal. Indefinite or permanent dismissal from the college and termination of student status. Notice shall be made in writing. There shall be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter will be refunded.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-065, filed 4/17/92, effective 5/18/92.]

(1999 Ed.)

**WAC 132M-120-095 Delegation of disciplinary authority.** The dean or his/her designee shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions, or probationary proceedings initiated by the dean.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-095, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-100 Appeals.** (1) Appeals contesting any disciplinary actions may be made by the student(s) involved, in the following order:

(a) Appeals from disciplinary action taken by the dean or his/her designee may be appealed within five academic calendar days to the student hearing and grievance committee, which may, at the request of the student(s), hear the case *de novo*.

(b) Disciplinary recommendations made by the student hearing and grievance committee may be appealed to the president of the college within ten academic calendar days following notification of the action taken by the student hearing and grievance committee. In the consideration of such an appeal, the president shall base his/her decision only on the official written record of the case and on any reports or recommendations of the dean and the student hearing and grievance committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. The president may either attach written concurrence to the recommendation of the student hearing and grievance committee; impose a lesser sanction than that recommended by the student hearing and grievance committee; terminate the proceeding and exonerate the student or students; or dismiss the case after whatever counseling and advice may be appropriate. The decision of the president shall be final; no further appeal within the college is provided.

(2) Appeals must be in writing, filed within ten working days from the date on which the student was notified that disciplinary action was being taken, and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

(3) All appellate decisions shall be sent from the office of the dean. Written decisions shall include the signatures of the student hearing and grievance committee or college president.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-100, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-110 Hearing procedures before the student hearing and grievance committee.** (1) The student hearing and grievance committee shall hear all disciplinary cases where a student appeals a decision of the dean in accordance with the grievance procedure.

(2) The student has a right to a fair and impartial brief adjudicative proceeding before the student hearing and grievance committee on any charge of violating the rules of conduct. The student's failure to cooperate with the proceedings, however, shall not preclude the committee from making its findings of fact, conclusions, and recommendations. Failure

by the student to cooperate may be taken into consideration by the committee.

(3) The presiding officer shall be selected from the committee members and shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing.

(4) If any member of the student hearing and grievance committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience, or related reasons), such members shall abstain from considering the issues. The presiding officer shall make temporary appointments where members abstain.

(5) A quorum shall be required for all proceedings and shall consist of the presiding officer and at least two committee members.

(6) Written notice of the time and place of the proceedings before the student hearing and grievance committee shall be given to the student by personal service or certified mail. Such notice shall be afforded not less than ten calendar days in advance and shall be issued by the office of the dean. The notice shall include:

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

(b) A statement of the charges, including reference to the particular sections of the rules of conduct involved; and

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

(7) The student shall be entitled to:

(a) Hear and examine the evidence brought forward and be informed of the identity of its source;

(b) Present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters; and

(c) Obtain information, provided that the requests for such information are specifically described in writing and tendered to the dean no later than three days prior to the proceeding, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceeding.

(8) The student may be represented by counsel of choice at the disciplinary proceeding. 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 at least five working days prior to the proceeding.

(9) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean. That designee may then present the college's case against the student accused of violating the rules of conduct: *Provided*, That in those cases in which the student elects to be represented by a licensed attorney, the dean may elect to have the college represented by an assistant attorney general.

(10) An adequate summary of all the evidence and facts presented to the committee during the course of the proceed-

ings shall be taken. A copy shall be available at the office of the dean.

(11) Proceedings conducted by the student hearing and grievance committee shall be held in closed session except when a student requests that the proceedings be held in open session. If at any time during the conduct of a proceeding visitors disrupt the proceeding, the presiding officer of the committee may exclude such persons from the proceeding room.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-110, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-120 Evidence admissible in proceedings.** (1) Only those matters presented at the proceeding, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered by the student hearing and grievance committee in determining whether there is sufficient cause to believe that the accused student violated the rules as charged. Hearsay evidence is admissible.

(2) The members of the committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

(3) The presiding officer of the committee shall, in the course of the proceeding, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-120, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-130 Decision by the student hearing and grievance committee.** (1) Upon conclusion of the disciplinary proceeding, the committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean, overrule the decision of the dean, or to recommend any other sanction deemed appropriate under the circumstances to the president: *Provided*, That no additional sanction may be recommended if the decision of the dean is upheld.

(2) Within thirty days following the conclusion of the proceeding, the student will be provided with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student violated any rule or rules of the code of conduct. The committee shall also advise the student of his/her right to present, within ten working days, a written statement to the president of the college appealing the decision of the student hearing and grievance committee.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-130, filed 4/17/92, effective 5/18/92.]

## SUMMARY SUSPENSION

**WAC 132M-120-200 Summary suspension procedures.** (1) As a general rule, disciplinary sanctions will be imposed only after appropriate proceedings have taken place and after the student has, if he/she so chooses, exercised the right to appeal. However, if the dean or his/her designee has cause to believe that the student:

(a) Has committed a felony; or

(b) Has violated any provision of the student conduct code; and

(c) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process, that student may be summarily suspended pending investigation, action, or prosecution on charges of alleged student conduct code violation.

(2) Any student summarily suspended shall be notified by certified and regular mail at the student's last known address or shall be personally served. The notice shall be entitled "notice of summary suspension" and shall state:

(a) The charges against the student including reference to the provisions of WAC 132M-120-040 or statutory law involved; and

(b) That the student charged must appear before the dean or his/her designee at a time specified in the notice for a summary suspension proceeding.

(3) The summary suspension proceeding shall be held as soon as possible after the summary suspension. The dean shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary sanction is appropriate.

(4) If the dean, following the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations are alleged has committed one or more such violations;

(b) Summary suspension of that student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) Such violation or violations constitute grounds for disciplinary action as provided for in WAC 132M-120-040, then the dean may continue to enforce the suspension of the student from college and may impose any other disciplinary sanction deemed appropriate.

(5) If the student has been served pursuant to the notice required in WAC 132M-120-200 and fails to appear at the time designated for the summary suspension proceeding, the dean may, with the written concurrence of the president, suspend the student for a maximum of ten academic calendar days.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-200, filed 4/17/92, effective 5/18/92.]

#### **WAC 132M-120-210 Notice of summary suspension.**

(1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided written notice of the decision, as expressly concurred in by the president, including the dean's findings of fact and conclusions which lead the dean to believe that summary suspension should continue.

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

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

(1999 Ed.)

(4) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the dean or to attend the summary suspension proceeding. However, the dean may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-210, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-220 Appeals from summary suspension.** (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the student hearing and grievance committee. No such appeal shall be heard, however, unless:

(a) The student has first appeared before the dean at the proceeding set forth in WAC 132M-120-200;

(b) The student has been officially notified of the outcome of that proceeding;

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

(d) The appeal conforms to the requirements set forth in WAC 132M-120-100(2).

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

(3) The president or his/her designee shall review the findings and conclusions of the dean in conjunction with the recommendations of the student hearing and grievance committee and will issue a final decision within three days.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-220, filed 4/17/92, effective 5/18/92.]

## **ACADEMIC GRIEVANCES**

**WAC 132M-120-300 Student grievances.** (1) The purpose of WAC 132M-120-300 through 132M-120-320 is to protect each student's freedom of expression in the classroom and to protect each student from improper, arbitrary, or capricious academic evaluation as evidenced by the student's final course grade.

(2) A student may not invoke the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in previous sections of this student conduct code.

(3) Federal and state laws, rules, and regulations, in addition to policies, regulations, and procedures adopted by the state board for community and technical colleges, shall not be grievable matters.

(4) Students shall use chapter 132M-300 WAC for grievances pertaining to sexual discrimination or discrimination based upon handicap.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-300, filed 4/17/92, effective 5/18/92.]

**WAC 132M-120-310 Grievance procedures.** (1) Initiating the grievance process. If a student believes he/she has been unfairly treated by an officer of the college, faculty

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member, or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. The purpose of this discussion should be to clarify the perceived problem and request specific action designed to resolve the problem.

(2) Proceeding with a formal grievance.

(a) If, within ten academic calendar days following the student's attempt to resolve the grievance in the manner described above, the student feels a satisfactory resolution has not been achieved, the student may file a formal grievance with the appropriate dean. If the grievance is lodged against the office of the dean, the president shall designate another operational dean as the grievance officer.

(b) The grievant shall present his/her grievance in writing and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer. In cases of academic grievances, the student shall present his/her grievance in writing to the dean and, where appropriate, indicate the grade received in the course in question, together with the reason for the grade complaint, specifying as accurately as possible all necessary performance scores and attendance data.

(c) The appropriate dean will attempt to resolve the problem within ten working days by arranging a meeting with the student and the faculty or staff member to bring about a resolution that is satisfactory to all concerned parties. In the case of an academic grievance, the dean will arrange such a meeting with the student and/or the appropriate instructional administrator.

(d) If the proceeding with the dean does not resolve the grievance to the student's satisfaction, the dean may request, in the case of academic grievances, that the academic standards committee hear the grievance; or, in all other grievances heard under this section, the student may appeal to the student hearing and grievance committee by submitting a written petition to the chairperson of that committee within ten academic calendar days of receiving the decision of the dean.

(3) Procedures of the committee.

(a) The proceeding before the academic standards committee shall not be considered a formal hearing. Any witnesses may be called and testimony heard as needed to reach a prompt, fair resolution of the grievance.

(b) All proceedings arising from student-initiated grievances, including appeals to the president shall remain closed unless all parties to the grievance agree on an open proceeding.

(4) Decisions.

(a) The academic standards committee shall make a recommendation in writing to the president within thirty days of receiving the appeal.

(b) The recommendation shall be reviewed by the president, who may dismiss the case after whatever counseling and advice may be appropriate or may amend, modify, refuse, or accept the recommendation. However, the president may not impose a greater sanction than that recommended by the academic standards committee. The decision

of the president shall be final, and no further appeal within the college is provided.

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-310, filed 4/17/92, effective 5/18/92.]

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

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

[Statutory Authority: RCW 28B.50.140. 92-09-094, § 132M-120-320, filed 4/17/92, effective 5/18/92.]

## Chapter 132M-136 WAC

### USE OF COLLEGE FACILITIES—ACADEMIC

#### WAC

132M-136-020	Distribution of materials policy.
132M-136-030	Outside speaker policy.
132M-136-050	Outside organizations meeting with students.
132M-136-060	Use of college facilities.
132M-136-080	Use of college services and equipment by outside groups.
132M-136-100	Commercial activities.

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

132M-136-010	Student publication code. [Order 15, § 132M-136-010, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].
132M-136-040	Student social activities. [Order 15, § 132M-136-040, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].
132M-136-070	Use of baseball facilities by outside groups. [Order 15, § 132M-136-070, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].
132M-136-090	Use of vocational shop facilities. [Order 15, § 132M-136-090, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

**WAC 132M-136-020 Distribution of materials policy.** (1) Free expression is encouraged on the college campus. Use of college facilities as determined by the president and regulated by his/her designee, however, does not accord users immunity from legal action.

(2) Handbills, leaflets, newspapers, and similar material—except those which are commercial, obscene, or unlawful—may be distributed only in areas on the campus designated by the director of student programs where, and at times when, such distribution will not interfere with the orderly administration of the college, the ingress or egress of persons, or the free flow of traffic.

(3) Newspapers, leaflets, and similar material offered for sale by any student or nonstudent person or organization may be distributed and sold through the college bookstore as are other commercial forms of merchandise, subject to reason-

able rules and regulations that may be imposed by the bookstore manager.

(4) All handbills, leaflets, newspapers, and similar material must bear identification as to the publishing agency and distributing organization or individual.

(5) All students and nonstudents shall be required to register with the director of student programs prior to the distribution or sale of any handbill, leaflet, newspaper, or related material, including but not limited to posting materials on college bulletin boards and distributing materials in college parking lots.

(6) Any student who violates any provision of this section relating to the distribution and sale of handbills, leaflets, newspapers, or related materials shall be subject to disciplinary action.

(7) Any distribution of materials regulated by established policies and authorized under this section by the director of student programs shall not be construed as support or approval of the content by the college or by the board of trustees of Washington Community College District No. 13.

[Statutory Authority: RCW 28B.50.140, 92-09-009, § 132M-136-020, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-136-020, filed 11/4/81; Order 15, § 132M-136-020, filed 12/20/72.]

**WAC 132M-136-030 Outside speaker policy.** (1) The college subscribes to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community.

(2) Any recognized ASLCC student organization with written sanction of its advisor, may invite individuals to speak on campus.

(3) The appearance of an invited speaker on the campus does not involve an endorsement, either implicit or explicit, of his views by this college, its students, its faculty, its administration, or its board.

(4) The scheduling of facilities for hearing invited speakers shall be made through the dean of instruction and/or director of student activities.

(5) The dean of students will be notified at least three days prior to the appearance of an invited speaker, at which time a form, available in the office of the dean of students, shall be completed with such particulars as speaker, time, and place, signed by the sponsoring organization advisor, and filed with the dean of students. Exceptions to the three day ruling may be made by the director of student activities with the approval of the dean of students.

(6) The dean of students may require and arrange to have views other than those of the invited speaker represented at the meeting, or at a subsequent meeting. The president may, at his discretion, assign a faculty member to preside over any meeting where a speaker has been invited.

[Order 15, § 132M-136-030, filed 12/20/72.]

(1999 Ed.)

**WAC 132M-136-050 Outside organizations meeting with students.** (1) The college encourages and welcomes representatives of organizations not associated with the college to meet with students for the purpose of providing additional opportunities for their total educational development. However, the holding of such meetings on the campus does not constitute an endorsement of the organization by the college; nor will the college necessarily require or request students to attend the meeting or meetings.

(2) Any organization wishing to hold a meeting, or meetings, on the college campus with students shall contact the director of student activities and provide the following information

- (a) Name of sponsoring organization
- (b) Name of person in charge of arrangements
- (c) Names of participating individuals
- (d) Nature of proposed meeting
- (e) Desired dates and times
- (f) Type of facilities desired

(3) The director of student activities will present the request to the student services council. If approved, the director of student activities, after conferring with appropriate college officials, will contact the requesting organization to complete the arrangements.

(4) When meetings have been approved in accordance with the procedures outlined, the college will provide suitable space not being used for regular college activities, and arrange for announcements of the meeting to be made through the college's normal communication media.

[Order 15, § 132M-136-050, filed 12/20/72.]

**WAC 132M-136-060 Use of college facilities.** (1) The policy of the college is to permit the use of its facilities by responsible organizations or groups on a space available basis except when the use of such facilities is for the purpose of:

- (a) Making a profit and is in competition with available privately owned facilities.
- (b) Political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.
- (c) Religious groups, as a permanent meeting place, under any circumstances. Such use shall be intermittent only.

(2) The president may allow persons or organizations other than college faculty, staff, or recognized student organizations use of college facilities when satisfactory arrangements can be worked out and such use does not conflict with the educational programs being offered by the college or with the maintenance and repair programs of the college. Authorization to persons or organizations other than college faculty, staff, or recognized student organizations for use of college facilities is granted with the express understanding and condition that such persons or organizations assume full responsibility for any loss, damage, or claims arising out of such use. The president or his/her designee may require proof of appropriate liability insurance coverage or posting of a bond prior to granting authorization for use of college facilities.

(3) The use of college facilities shall, in all instances, be determined and regulated by the policies of the institution.

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(4) Nonprofit organizations such as, but not limited to, those directly concerned with public schools and those sponsored by public schools or affiliated organizations may be allowed reasonable use of college facilities without the payment of a rental fee. However, functions which require college personnel, other support services, or utilities, including heat, thereby resulting in additional costs to the college shall be charged for such costs accordingly.

(5) The college shall permit the use of its facilities to persons, groups, or organizations for such fees as will compensate for the reasonable costs thereof. Additionally, to any organization using college facilities with the intent of realizing a profit therefrom (through charging admission, taking up a collection, or other) rental fees to be determined by the president or his designee shall be charged.

(6) The president shall establish and revise, as circumstances warrant, a schedule of rental and/or other fees consistent with the policy outlined above and shall advise the board thereof. The established fees in effect at any given time shall apply to the facilities covered by the schedule. For those facilities which are not covered in the schedule, the president may determine reasonable fees from the relevant factors or decline them for noncollege use.

(7) Application is made through the office of the president or his designee. When the application is approved, an invoice shall be sent to the applicant by the business office. Full payment of appropriate fees, if any, or satisfactory payment arrangements are required prior to the actual use of the facilities.

(8) Special conditions and considerations for the use of specific college facilities may be set forth in board policies as now or hereafter amended.

(9) College facilities may not be used by groups or organizations which discriminate in their membership or limit participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(10) No person or group may use or enter college facilities having in their possession firearms or other weapons, even if licensed to do so, except duly appointed and commissioned law enforcement officers.

[Statutory Authority: RCW 28B.50.140. 92-09-009, § 132M-136-060, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-136-060, filed 11/4/81; Order 15, § 132M-136-060, filed 12/20/72.]

**WAC 132M-136-080 Use of college services and equipment by outside groups.** (1) The use of college services and equipment is available on a negotiated basis.

[Order 15, § 132M-136-080, filed 12/20/72.]

**WAC 132M-136-100 Commercial activities.** College facilities shall not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic or career-oriented community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives are conducted under the sponsorship or at the request of a college department or of the

dean for students or his/her designee: *Provided*, That such solicitation does not interfere with, or operate to the detriment of, the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.50.140. 92-09-009, § 132M-136-100, filed 4/2/92, effective 5/3/92.]

## Chapter 132M-160 WAC

### ADMISSION, REGISTRATION, GRADUATION

#### WAC

132M-160-010	Admission.
132M-160-040	Tuition and fee waivers.
132M-160-050	Refunds.

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

132M-160-020	Registration. [Order 15, § 132M-160-020, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].
132M-160-030	Graduation. [Order 15, § 132M-160-030, filed 12/20/72.] Repealed by 81-22-076 (Order 81-1, Resolution No. 81-1), filed 11/4/81. Statutory Authority: RCW 28B.50.140(113) [28B.50.140].

**WAC 132M-160-010 Admission.** (1) Any applicant shall be admitted when he/she:

(a)(i) Is at least eighteen years of age; or

(ii) Is a graduate of a high school; or

(iii) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or

(iv) If not qualified under subsection (1) of this section, has filed a written release from a public or private school he/she is attending or last attended: *Provided*, That an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his/her transfer, may be conditionally admitted on a probationary status as determined by the president of the college; and

(b) Is competent to profit from the curricular offerings of the college; and

(c) Would not, by his/her presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

(2) Admission to the college shall entitle the student to enroll in any instructional program provided that the student is qualified and complies with the rules and procedures established for enrollment in such program.

(3) In order to assist students in selecting courses appropriate to their needs and interests and to ensure that students will be able to profit from current curriculum offerings or benefit from a particular class, course, or program, the college may require students to take tests or to have special training prior to enrolling in classes.

(4) Enrollment in classes, programs, or sections may be restricted by limitations of physical facilities or operating funds when consistent with generally accepted educational practices regarding efficient maximum class sizes.

[Statutory Authority: RCW 28B.50.140. 92-09-008, § 132M-160-010, filed 4/2/92, effective 5/3/92; Order 15, § 132M-160-010, filed 12/20/72.]



**WAC 132M-160-040 Tuition and fee waivers.** (1) Lower Columbia College may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges.

(2) Upon request of an applicant for a mandatory tuition and fee waiver, individual determinations will be reviewed by the registrar, in a brief adjudicative proceeding pursuant to RCW 34.05.482-.494.

[Statutory Authority: RCW 28B.50.140(13), 1995 c 36 § 2 and amendment to RCW 28B.15.600. 95-16-069, § 132M-160-040, filed 7/28/95, effective 8/28/95.]

**WAC 132M-160-050 Refunds.** (1) First-time students receiving federal financial aid who officially withdraw from classes shall be provided a *pro rata* refund in accordance with federal regulations.

(2) A refund of fees and tuition will be made to all other students officially withdrawing from the college according to the following schedule:

(a) One hundred percent. Withdrawal prior to the sixth day of instruction of the quarter.

(b) One hundred percent. Withdrawal as a result of classes being cancelled by the college.

(c) Fifty percent. Withdrawal on or after the sixth day of instruction of the quarter and prior to the twentieth calendar day of the quarter.

(d) No refunds will be made after the twentieth calendar day of the quarter. Exceptions may be made for students inducted into military service and for medical reasons.

(3) Refunds for short courses and courses starting after the first week of the quarter shall be determined by the associate dean for enrollment services.

(4) Fees, other than tuition and service and activities fees, and not subject to this policy, are not refundable.

(5) Students dismissed for disciplinary reasons are not eligible for refunds.

[Statutory Authority: RCW 28B.50.140(13), 1995 c 36 § 2 and amendment to RCW 28B.15.600. 95-16-069, § 132M-160-050, filed 7/28/95, effective 8/28/95.]

## Chapter 132M-300 WAC

### GRIEVANCE PROCEDURE—DISCRIMINATION

#### WAC

132M-300-001 Statement of policy.  
132M-300-010 Grievance procedure.

**WAC 132M-300-001 Statement of policy.** Lower Columbia College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. It is the policy of Lower Columbia College to provide equal opportunity in all areas of admission, education, application for employment, and employment regardless of sex or handicap status.

It is also the policy of Lower Columbia College to provide an environment in which members of the college community can work or study free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

(1999 Ed.)

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

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

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

[Statutory Authority: RCW 28B.50.140 and 29 USC ss 794, 20 USC ss 1681 et seq and 42 USC ss 200 et al. 92-09-092, § 132M-300-001, filed 4/17/92, effective 5/18/92.]

**WAC 132M-300-010 Grievance procedure.** (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Lower Columbia College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedure:

(a) Step 1: Informal meeting. In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act or with the appropriate supervisor as determined by the affirmative action officer. The time period in which attempts to informally resolve the concern are made shall not exceed thirty days from the time the complaint is lodged.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting or if the informal meeting has been waived, the complainant may request a meeting with the college affirmative action officer.

(i) The request for an official hearing must be made in writing and must set forth the specific grievance(s) raised by the complainant.

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

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

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

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

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

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

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

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

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

(a) Regional Director, Office of Civil Rights, Department of Education, 915 Second Avenue, Room 3310, Seattle, Washington 98174-1099, (206) 553-1636.

(b) Equal Employment Opportunity Commission, 2815 Second Avenue, Suite 500, Seattle, Washington 98121, (206) 442-0968.

(c) Human Rights Commission, 402 Evergreen Plaza Building, M.S. FJ-41, 711 S. Capitol Way, Olympia, Washington 98504.

[Statutory Authority: RCW 28B.50.140 and 29 USC ss 794, 20 USC ss 1681 et seq and 42 USC ss 200 et al. 92-09-092, § 132M-300-010, filed 4/17/92, effective 5/18/92.]

### Chapter 132M-325 WAC

#### STATE ENVIRONMENTAL POLICY ACT

##### WAC

132M-325-010	Introduction.
132M-325-020	State Environmental Policy Act compliance.
132M-325-030	State Environmental Policy Act "responsible official."
132M-325-040	Information center and register distribution.
132M-325-050	Publication of notice of action.
132M-325-060	Time limit for completion of EIS process.

**WAC 132M-325-010 Introduction.** When the office of administration or another unit on campus begins to consider taking an action which might affect the environment (e.g., revising the master plan, constructing a new building or recreation facility, adding to an existing facility, landscaping, utilities modification or installation, or adopting or revising grounds maintenance policies), the college shall follow the steps outlined in WAC 132M-325-010 through 132M-325-060.

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-010, filed 4/3/78.]

**WAC 132M-325-020 State Environmental Policy Act compliance.** It is the policy of Lower Columbia College that capital projects proposed to be developed by the college and other similar type activities shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-10 WAC, guidelines for State Environmental Policy Act implementation. To this end, Lower Columbia College hereby adopts by reference to the following sections or subsection of

chapter 197-10 of the Washington Administrative Code (the "SEPA guidelines" adopted by the state of Washington, council on environmental policy):

WAC 197-10-040:	Definitions
WAC 197-10-060:	Scope of a proposal and its impacts
WAC 197-10-160:	No presumption of significance for nonexempt actions
WAC 197-10-170:	Categorical exemptions
WAC 197-10-175:	Exemptions and nonexemptions applicable to specific state agencies
WAC 197-10-180:	Exemption for emergency actions
WAC 197-10-190:	Use and effect of categorical exemptions
WAC 197-10-200:	Lead agency—Responsibilities
WAC 197-10-203:	Determination of lead agency—Procedures
WAC 197-10-205:	Lead agency designation—Governmental proposals
WAC 197-10-210:	Lead agency designation—Proposals involving both private and public construction
WAC 197-10-215:	Lead agency designation—Private projects for which there is only one agency
WAC 197-10-220:	Lead agency designation—Private projects, licenses from more than one agency when one is city/county
WAC 197-10-225:	Lead agency designation—Private projects, license from more than one state agency
WAC 197-10-230:	Lead agency designation—Specific proposals
WAC 197-10-235:	Local agency transfer of lead agency status to a state agency
WAC 197-10-240:	Agreements as to lead agency status
WAC 197-10-245:	Agreements between agencies as to division of lead agency duties
WAC 197-10-260:	Dispute as to lead agency determination—Resolution by CEP
WAC 197-10-270:	Assumption of lead agency by another agency with jurisdiction
WAC 197-10-300:	Threshold determination requirement
WAC 197-10-305:	Recommended timing for threshold determination
WAC 197-10-310:	Threshold determination procedures—Environmental checklist
WAC 197-10-320:	Threshold determination procedures—Initial review of environmental checklist
WAC 197-10-330:	Threshold determination procedures—Information in addition to checklist
WAC 197-10-340:	Threshold determination procedures—Negative declarations
WAC 197-10-345:	Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice
WAC 197-10-350:	Affirmative threshold determinations
WAC 197-10-355:	Form of declaration of significance/nonsignificance
WAC 197-10-360:	Threshold determination criteria—Application of environmental checklist
WAC 197-10-365:	Environmental checklist
WAC 197-10-370:	Withdrawal of affirmative threshold determination
WAC 197-10-375:	Withdrawal of negative threshold determination
WAC 197-10-390:	Effect of threshold determination by lead agency
WAC 197-10-400:	Duty to begin preparation of a draft EIS
WAC 197-10-410:	Predraft consultation procedures
WAC 197-10-425:	Organization and style of a draft EIS
WAC 197-10-440:	Contents of a draft EIS
WAC 197-10-442:	Special considerations regarding contents of an EIS
WAC 197-10-444:	List of elements of the environment
WAC 197-10-450:	Public awareness of availability of draft EIS
WAC 197-10-455:	Circulation of the draft EIS—Review period
WAC 197-10-460:	Specific agencies to which draft EIS shall be sent
WAC 197-10-465:	Agencies possessing environmental expertise
WAC 197-10-470:	Cost to the public for reproduction of environmental documents
WAC 197-10-480:	Public hearing on a proposal—When required

- WAC 197-10-485: Notice of public hearing on environmental impact of the proposal
- WAC 197-10-490: Public hearing on the proposal—Use of environmental document
- WAC 197-10-495: Preparation of amended or new draft EIS
- WAC 197-10-500: Responsibilities of consulted agencies—Local agencies
- WAC 197-10-510: Responsibilities of consulted agencies—State agencies with jurisdiction
- WAC 197-10-520: Responsibilities of consulted agencies—State agencies with environmental expertise
- WAC 197-10-530: Responsibilities of consulted agencies—When predraft consultation has occurred
- WAC 197-10-535: Cost of performance of consulted agency responsibilities
- WAC 197-10-540: Limitations on responses to consultation
- WAC 197-10-545: Effect of no written comment
- WAC 197-10-550: Preparation of the final EIS —Time period allowed
- WAC 197-10-570: Preparation of final EIS—When no critical comments received on the draft EIS
- WAC 197-10-580: Preparation of the final EIS—Contents—When critical comments received on draft EIS
- WAC 197-10-600: Circulation of the final EIS
- WAC 197-10-650: Effect of an adequate final EIS prepared pursuant to NEPA
- WAC 197-10-652: Supplementation by a lead agency of an inadequate final NEPA EIS
- WAC 197-10-660: Use of previously prepared EIS for a different proposed action
- WAC 197-10-690: Use of a lead agency's EIS by other acting agencies for the same proposal
- WAC 197-10-695: Draft and final supplements to a revised EIS
- WAC 197-10-700: No action for seven days after publication of the final EIS
- WAC 197-10-710: EIS combined with existing planning and review processes
- WAC 197-10-830: Responsibilities of agencies—SEPA public information center
- WAC 197-10-835: Regional SEPA public information centers
- WAC 197-10-840: Application of agency guidelines to ongoing actions

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-020, filed 4/3/78.]

**WAC 132M-325-030 State Environmental Policy Act "responsible official."** In compliance with chapter 197-10 WAC, the president of Lower Columbia College or an individual designated to act for and on behalf of him shall be the "responsible official" for carrying out this policy.

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-030, filed 4/3/78.]

**WAC 132M-325-040 Information center and register distribution.** The SEPA public information center required by chapter 197-10 WAC, shall be maintained in the office of administration of Lower Columbia College. Copies or updates of the registers required by WAC 197-10-830(3) shall be sent as required by WAC 197-10-830(4) to those individuals and organizations who make written request therefore.

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-040, filed 4/3/78.]

**WAC 132M-325-050 Publication of notice of action.** Any action, as defined in WAC 197-10-040, undertaken by Lower Columbia College, shall be publicized as prescribed in RCW 43.21C.080.

(1999 Ed.)

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-050, filed 4/3/78.]

**WAC 132M-325-060 Time limit for completion of EIS process.** As soon as possible after a proposal for action has been formulated and its scope defined the responsible official or his designee shall establish the date by which the EIS process for the particular project must be completed.

[Statutory Authority: Chapter 43.21C RCW. 78-04-072 (Resolution No. 78-1), § 132M-325-060, filed 4/3/78.]

**Chapter 132M-400 WAC**

**LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION**

**WAC**

- 132M-400-010 Grounds for ineligibility.
- 132M-400-020 Suspension procedure—Right to brief adjudicative procedure.
- 132M-400-030 Brief adjudicative procedure.
- 132M-400-040 Decision.

**WAC 132M-400-010 Grounds for ineligibility.** Any student athlete found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use, or sale of legend drugs, as defined in RCW 69.41.010(9), including anabolic steroids, may be disqualified from participation in any college-sponsored athletic event or activity.

[Statutory Authority: RCW 28B.50.140. 92-09-006, § 132M-400-010, filed 4/2/92, effective 5/3/92.]

**WAC 132M-400-020 Suspension procedure—Right to brief adjudicative procedure.** Any student notified of a claimed violation of WAC 132M-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the appropriate dean within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in college-sponsored athletic events or activities for the remainder of the academic year.

[Statutory Authority: RCW 28B.50.140. 92-09-006, § 132M-400-020, filed 4/2/92, effective 5/3/92.]

**WAC 132M-400-030 Brief adjudicative procedure.** If a timely written request for a hearing is made, the dean shall designate a presiding officer, who shall be a college administrator who is not involved with the athletic program, to conduct the brief adjudicative proceeding. The presiding officer shall promptly conduct the hearing and permit 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 through 34.05.494.

[Statutory Authority: RCW 28B.50.140. 92-09-006, § 132M-400-030, filed 4/2/92, effective 5/3/92.]

**WAC 132M-400-040 Decision.** The college administrator who acts as presiding officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the presiding officer shall be maintained as the official record of the brief adjudicative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative proceeding and in no event later than twenty days after the request for a brief adjudicative proceeding is received by the dean.

[Statutory Authority: RCW 28B.50.140. 92-09-006, § 132M-400-040, filed 4/2/92, effective 5/3/92.]