

Title 495D WAC

LAKE WASHINGTON TECHNICAL COLLEGE

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Chapter 495D-104 WAC BOARD OF TRUSTEES

WAC

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WAC 495D-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting each month and such special meetings as may be requested by the chair of the board or by a majority of the members of the board. All regular and special meetings of the board of trustees shall be announced in accordance with law. All regular and special meetings of the board of trustees shall be held at Lake Washington Technical College, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions. No official business may be conducted by the board of trustees except during a regular or special meeting.

[Statutory Authority: RCW 28B.50.140. 98-09-031, § 495D-104-010, filed 4/10/98, effective 5/11/98; 95-23-043, § 495D-104-010, filed 11/13/95, effective 12/14/95; 93-03-086, § 495D-104-010, filed 1/19/93, effective 2/19/93; 92-15-081, § 495D-104-010, filed 7/16/92, effective 8/16/92.]

(2003 Ed.)

WAC 495D-104-020 Request for items to be placed on board agenda. The president or his or her designee shall designate items for the board's meeting agenda, subject to modification by the board. Anyone other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting must have a written request in the office of the board secretary at least two weeks in advance of the next scheduled meeting of the board. The board will adopt such bylaws as are necessary to facilitate the bringing of such matters before the board. Petitioners may request such bylaws from the secretary to the board who shall provide them in a timely fashion.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-104-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-104-030 Delegation to college president. The board of trustees delegates to the college president its authority and responsibility to administer College District 26 in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-104-030, filed 7/16/92, effective 8/16/92.]

Chapter 495D-108 WAC PRACTICE AND PROCEDURE

WAC

- 495D-108-010 Adoption of model rules of procedure.
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- 495D-108-080 Recording devices.

WAC 495D-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in 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 by this college, the college rules prevail.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-020 Appointment of presiding officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in

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good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Lake Washington Technical College, Affirmative Action Officer, 11605 132nd Avenue Northeast, Kirkland, Washington, 98034-5608.

Written application for an adjudicative proceeding must be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings, except as provided in another rule;
- (4) Parking and traffic violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored activities;
- (7) Denials of requests for public records.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-060, filed 7/16/92, effective 8/16/92.]

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WAC 495D-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer, and serve copies on all other parties. If another 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 in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-070, filed 7/16/92, effective 8/16/92.]

WAC 495D-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495D-108-070, except for the method of official recording selected by the college.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-108-080, filed 7/16/92, effective 8/16/92.]

Chapter 495D-113 WAC NEPOTISM POLICY

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| 495D-113-020 | Inclusive limits of the policy. |
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WAC 495D-113-010 Definitions. (1) Employee: Any individual who receives payment for services rendered to the college district, other than an outside vendor or contractor.

(2) Family member or relative: An employee's or employee's spouse's mother, father, child (including foster and adopted children), sibling, grandparent, cousin, uncle, aunt, nephew, niece, in-law, or the employee's spouse.

(3) Nepotism: The practice of showing favoritism to relatives in hiring and employment practices.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-113-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-113-020 Inclusive limits of the policy. This policy is intended to provide guidelines for the employment of all individuals by the district, except as modified by applicable policies of the state board for community and technical colleges, policies of the higher education personnel board, collective bargaining agreements, or state statute.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-113-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-113-030 Basic nepotism policy. In the appointment of its faculty and staff members, the college district seeks those persons best qualified to fulfill the institution's teaching and service obligations. Accordingly, members of the same family may be appointed to faculty and staff positions when it has been determined that they are the most qualified candidates for the positions. However, a person may not be hired into a position that would result in a relationship where an employee is involved in the recruitment, screening, appointment, termination of appointment, promo-

tion, demotion, approval of salary increase or decrease, supervision, or evaluation of a member of the employee's family or of a person with whom the employee shares a substantial economic interest. Otherwise, family relationships shall not be used as a basis for granting or denying employment rights, privileges, or benefits.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-113-030, filed 12/15/92, effective 1/15/93.]

**Chapter 495D-116 WAC
PARKING AND TRAFFIC**

WAC

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WAC 495D-116-010 Purpose for adopting parking and traffic rules. Under the authority granted by RCW 28B.50.140(10), the board of trustees of College District 26 is granted authority to adopt rules for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these rules are to:

- (1) Protect and control pedestrian and vehicular traffic;
- (2) Assure access at all times for emergency traffic;
- (3) Minimize traffic disturbances during class hours;
- (4) Facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
- (5) Regulate the use of parking spaces;
- (6) Protect state-owned property;
- (7) Assure access to the facility by handicapped persons.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-020 Applicable parking and traffic rules. (1) All rules in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Kirkland applies upon all lands located within the city of Kirkland.

(3) The traffic code of the city of Redmond applies upon all lands located within the city of Redmond.

(2003 Ed.)

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-030 Definitions. The definitions set forth in this section apply throughout this chapter 495D-116 WAC.

(1) "Annual permits" mean permits that are valid from the date of issue until the first day of the following academic year.

(2) "Board" means the board of trustees of College District 26.

(3) "Campus" means all lands and buildings devoted to, operated by, or maintained by College District 26.

(4) "Campus security officer" means an employee of the college designated by and who is responsible to the vice-president of administration.

(5) "College" means Lake Washington Technical College.

(6) "Continuing permits" mean permits issued to full-time employees for an indefinite period of time.

(7) "Employee" means an individual appointed to the faculty, staff, or administration of the college.

(8) "Guests or visitors" mean persons who come upon the campus as guests or persons who lawfully visit the campus.

(9) "Safety and security supervisor" means the college's safety and security supervisor as designated by and responsible to the vice-president of administration.

(10) "Temporary permits" mean permits that are valid for a specific period designated on the permit.

(11) "Vehicle" means an automobile, truck, motor-driven cycle, scooter, or any vehicle powered by a motor.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-040 Authorization for issuance of permits. (1) The safety and security supervisor or a designee may issue parking permits to students, employees, and guests upon the following condition:

- (a) When the vehicle is properly registered with the college;
- (b) When a permanent or special parking permit is necessary to enhance the business or operation of the college; and
- (c) When a parking permit fee is paid as applicable and designated on the college's schedule of fees.

(2) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee is permitted to park on campus at any one time.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-050 Vehicle parking permits. (1) All employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended in parking areas which are posted as requiring permits.

(2) All persons parking in parking areas which are posted as requiring permits shall secure and display a currently valid parking permit upon approval of need for a special permit or within five days from their date of registration or from their first day of employment.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-060 Visitor permits. (1) All guests or visitors (including salespersons and maintenance or service personnel) will park in appropriate parking areas, and in parking areas requiring permits only after obtaining a temporary permit from the safety and security supervisor or a designee.

(2) Vehicle repair customers who have scheduled service or repairs with one of the motor vehicle technology courses operating an abatement program may obtain a twenty-four hour visitor permit a vehicle after repair or service.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-070 Responsibility of person to whom permit is issued. The person to whom a parking permit is issued is responsible for all violations of college rules involving the vehicle; however, that responsibility does not relieve the driver of the responsibility for violations of the rules established by this chapter. If a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus rules.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-070, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-080 Display of permits. (1) An annual parking permit issued by the college pursuant to WAC 495D-116-040 through 495D-116-060 must be visibly affixed on the inside of the rear window of the vehicle for which the permit is issued, on the lower left-hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window, the annual permit must be affixed to the driver side rear bumper or driver side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

(2) A temporary parking permit issued by the college pursuant to WAC 495D-116-040 through 495D-116-060 must be visibly placed on the inside of the rear window deck of the vehicle for which the permit is issued, on the left-hand side of the window deck as viewed from the rear of the vehicle. If the vehicle has no window deck, the permit may be taped to the window. If the vehicle is a convertible or has no rear window, the temporary permit must be placed on the driver side of the instrument cowling. Motorcycle permits must be affixed in a conspicuous place.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-090 Transfer of permits. Parking permits are not transferable. If a vehicle is sold or traded, any replacement vehicle must be registered with the safety and

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security supervisor or designee and the permit will be reissued at no additional charge.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-100 Permit revocation. Permits are licenses and are the property of the college, and may be revoked for any of the following reasons:

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

(2) When a permit is used on an unregistered vehicle or by an unauthorized person;

(3) Falsification on a vehicle registration application;

(4) More than two violations of parking and traffic rules;

(5) Counterfeiting or altering of permits;

(6) Commission of a theft or other crime in a vehicle parking area.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-110 Right to refuse permit. The college vice-president of administration or a designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-110, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-120 Appeal of permit revocation or refusal. When a parking permit has been revoked under WAC 495D-116-100 or has been refused in accordance with WAC 495D-116-110 or when a fine or penalty has been levied for a purported violation of this chapter, that action by the vice-president of administration or a designee may be appealed in accordance with WAC 495D-116-180.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-120, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-130 Delegation of authority. The authority and powers conferred upon the vice-president of administration by this chapter are subject to delegation to that individual's subordinates.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-130, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-140 Enforcement. (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president of administration or a designee is responsible for the enforcement of this chapter.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-140, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-150 Violation of parking and traffic rules. (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate written means that they are in violation of this chapter. All fines are payable at the cashier's office.

(2) In instances where a vehicle has more than two violations, the vice-president of administration or a designee, with appropriate documented evidence, may order the vehicle impounded.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-150, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-160 Issuance of traffic tickets or summons. (1) The safety and security supervisor or a designee may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, permit number if any, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-160, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-170 Fines and penalties. (1) The safety and security supervisor or a designee may impose fines and penalties for violation of this chapter: The vice-president of administration shall establish a schedule of fines. The college shall publish the current schedule annually in the schedule of courses and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic;
- (i) Parking adjacent to a fire hydrant;
- (j) Parking in a fire lane;
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president of administration or a designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five days, the vice-president of administration or a designee may initiate the following actions:

- (a) The student may be refused a transcript of credits, hours, or courses, a record of training, and other student records until all fines are paid;
- (b) The student may not receive a certificate, diploma, or degree until all fines are paid;
- (c) The student will not be able to register for subsequent terms until all fines are paid.
- (d) The student's accumulation of fines may be turned over to a private collection agency for the collection of past due fines.

(2003 Ed.)

(5) Vehicles parking in a manner so as to create a safety hazard or obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the safety and security supervisor or a designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495D-116-180.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-170, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-180 Appeal of citations and penalties. (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the safety and security supervisor within five days from the date of citation. The appeal shall be handled as a brief adjudicative proceeding.

(3) The supervisor's decision shall be final unless an appeal is filed with the vice-president of administrative services within twenty-one days. Any decision of the vice-president shall be final.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-180, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-200 Disclaimer of liability by college. The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase or issuance of a parking permit.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-200, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-210 Designation of parking. (1) The parking spaces available on campus may be allocated and designated by the vice-president of administration in such a manner as will best achieve the objectives of this chapter.

(2) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. The safety and security supervisor shall issue temporary permits for temporarily handicapped persons. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle in parking areas requiring permits.

(3) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits, for a maximum time period of forty-eight hours. A temporary permit is not required. Visitors requiring parking for longer than forty-eight hours may obtain a temporary permit from the safety and security supervisor, and will park in normal undesignated spaces.

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(4) The vice-president of administration may designate parking spaces for special purposes as deemed necessary.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-210, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-220 Parking within designated spaces. (1) No vehicle may be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle may be parked so as to occupy any portion of more than one parking space or stall, except that a vehicle which is larger than one space may also occupy so much of an adjoining space(s) as is (are) necessary and as limited elsewhere in this chapter. Repeated parking on campus of oversize vehicles is discouraged in order to permit maximum utilization of limited parking spaces.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-220, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-230 Regulatory signs, markings, barricades, etc. The vice-president of administration or a designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands operated or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings, and directions given them by the campus safety and security supervisor or designee in the control and regulation of traffic and parking.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-230, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-240 Speed limit. No vehicle may be operated on the campus at a speed in excess of the speed limit posted on campus property, or such slower speed as is reasonable and prudent to the circumstances.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-240, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-250 Pedestrian right of way. (1) The operator of a vehicle shall yield the right of way to any pedestrian. A pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

(3) Handicapped pedestrians using motorized or manually propelled wheelchairs or like equipment shall not be required to use curbs or sidewalks where there are none. Motor vehicle operators shall yield the right of way to wheelchair bound persons in any event.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-250, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-260 Two-wheeled motorcycles or bicycles. (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles must be parked in bicycle racks where provided. No person may

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park a bicycle inside a building or in such a manner as to block or obstruct the normal flow of pedestrian traffic.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-260, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-270 Report of accidents. (1) The operator of a vehicle involved in an accident on campus resulting in injury or death of a person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report the accident to the safety and security supervisor. Accidents occurring after the close of business must be reported the next working day. Within twenty-four hours after the accident, the operator shall file a state of Washington motor vehicle accident report.

(2) Other minor accidents may be reported to the safety and security supervisor for insurance record purposes.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-270, filed 7/16/92, effective 8/16/92.]

WAC 495D-116-280 Disabled or inoperative vehicles—Impounding. (1) No vehicle shall be parked on the campus for a consecutive period exceeding seventy-two hours, without authorization from the vice-president of administration or a designee.

(2) Vehicles parked over seventy-two consecutive hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle at least twenty-four hours before it will be impounded.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-116-280, filed 7/16/92, effective 8/16/92.]

Chapter 495D-120 WAC STUDENT CONDUCT CODE

WAC

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

- 495D-120-150 Discipline—Brief adjudicative proceedings. [Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-150, filed 7/16/92, effective 8/16/92.] Repealed by 00-20-007, filed 9/22/00, effective 10/23/00. Statutory Authority: CR-102 [RCW 28B.50.140].
- 495D-120-160 Discipline review—Formal adjudicative proceedings. [Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-160, filed 7/16/92, effective 8/16/92.] Repealed by 00-20-007, filed 9/22/00, effective 10/23/00. Statutory Authority: CR-102 [RCW 28B.50.140].

WAC 495D-120-010 Student conduct code—Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of College District 26.

(2) "College" means Lake Washington Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means one or more of the sanctions described in WAC 495D-120-120.

(10) "Good standing" means that the student is currently enrolled in the college, has no restrictions on the use of college facilities and/or services, is eligible to participate in college activities, and is not under any current disciplinary or academic sanctions.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-020 Student conduct code—Statement of purpose. (1) Lake Washington Technical College is operated by the state of Washington to provide programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

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(3) Violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of students under the age of eighteen who attend Otteson High School or are dependent students, misconduct may be referred to parents or legal guardians (if the student attends Otteson High School).

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-020, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-030 Student conduct code—Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

(1) Off-campus conduct. When a student violates the student conduct code by an offense committed off campus that is not associated with a college-connected activity, the disciplinary authority of the college will not be used merely to duplicate the penalty involved for such an act under applicable ordinances and laws.

(2) The college will take disciplinary action against a student for such an off-campus offense only when the nature of the offense is such that, in the judgment of the vice-president of student services, the student's conduct is likely to interfere with the educational process, the orderly operation of the college, or the student presents an imminent danger to college property or to himself or herself or other persons on or off campus.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-030, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-040 Student conduct code—Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(2) Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to be the same extent as completed violations;

(3) Breaching campus safety or security, to include, but not be limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from college buildings;

[Title 495D WAC—p. 7]

(4) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace on college premises or at college-sponsored activities;

(5) Disruptive activity. Participation in promoting disruptive activity that would interfere with teaching, research, disciplinary proceedings or other college activities. Such activity may include, but is not limited to, classroom behavior that seriously interferes with either:

(a) The instructor's ability to conduct the class; or

(b) The ability of other students to profit from the instructional program;

(6) Failure to appear for a college disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so;

(7) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook* or course syllabi;

(8) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual*;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) False statements. The intentional making of false statements or filing of false charges against the college, its employees, and members of the college community;

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(12) Harassment, including conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the college;

(13) Illegal use of alcoholic beverages. The possession, use, sale, or distribution of any alcoholic beverage or illegal drugs on the college campus except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(14) Illegal use or possession of weapons. The unauthorized use, possession or storage of any weapons, fireworks or explosives on college premises or at any college-sponsored activity. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury, or incapacitate. Weapons may include, but are not limited to, all firearms (whether lawfully or unlawfully possessed), pellet guns, slingshots, martial arts devices, switchblade knives and clubs;

(15) Imminent danger. Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education processes of the college;

(16) Interference with the discipline code. Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this discipline code;

(17) Interruption of instructional programs (see policy 6.P.39);

(18) Misuses of information technology. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Failure to protect passwords or use of computer accounts. Breach of computer security, harmful access or invasion of privacy; use of another's password or identity, or use of anonymous or fictitious e-mail addresses;

(19) Physical abuse, including attempting or causing injury to an individual. Causing or threatening physical contact with another when the person knows or should reasonably believe that the other will regard the contact or threat as offensive or provocative;

(20) Sexual assault/rape, including the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical forces, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance or threat of harm to the victim;

Sexual abuse, including attempting or making sexual contact, including, but not limited to, inappropriate touching or fondling against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent;

(21) Smoking. Smoking in all enclosed college facilities and other areas so posted by college officials;

(22) Stalking, including any repeated conduct directed specifically at another person that causes that person (or a member of that person's family or household) to fear for his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property;

(23) Theft and damage. Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(24) Unacceptable use of college facilities and equipment;

(25) Violation of laws. Violation of any law of the United States, law of the state of Washington, or municipal or county ordinance;

(26) Witness retaliation. Retaliation upon witnesses or accusers under this chapter.

[Statutory Authority: CR-102 [RCW 28B.50.140], 00-20-007, § 495D-120-040, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140, 00-03-031, § 495D-120-040, filed 1/12/00, effective 2/12/00; 92-15-081, § 495D-120-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-045 Student conduct code—Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act, or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to, be ineligible for participation in any college-sponsored activity for a period of one year.

tion to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-045, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-045, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-050 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty, staff member, or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty, staff member, or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator, faculty, or staff member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-050, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-060 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president administrative services or any other person he or she may designate.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-060, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-070 Student conduct code—Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification and/or evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-070, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-070, filed 7/16/92, effective 8/16/92.]

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WAC 495D-120-080 Student conduct code—Academic dishonesty and classroom/lab/clinic conduct. (1) Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that; a student shall have the right to appeal such disciplinary action to the supervisor of the instructor imposing disciplinary action.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-080, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-085 Student conduct code—Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

(3) Penalties.

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

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

(ii) Be denied recognition by Lake Washington Technical College as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or non-profit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for (a period of one year).

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student conduct code may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-085, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 96-07-049, § 495D-120-085, filed 3/18/96, effective 4/18/96.]

WAC 495D-120-090 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the college community as chair, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed.

[Title 495D WAC—p. 10]

The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-090, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-100 Student conduct code—Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of campus services or designee prior to the distribution of any handbill, leaflet, newspaper, or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-100, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-110 Student conduct code—Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising, or promotional activities except when such activities:

(a) Clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment; and

(b) Are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-120-100.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-110, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-110, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-120 Student conduct code—Student conduct sanctions. Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions may be imposed for any single violation. Once a student has been finally assessed a disciplinary sanction,

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however, no more severe primary sanctions may be assessed against him or her by any higher college authority.

(1) Primary sanctions (in order of severity):

(a) Expulsion: Separation of the student from the college whereby the student is not eligible for readmission to the college.

(b) Dismissal: Separation of the student from the college for an indefinite period of time. Readmission to the college may be possible in the future, but no specific time for a decision is established.

(c) Suspension: Separation of the student from the college for a definite period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(d) Deferred suspension: The sanction of suspension may be placed in deferred status. If the student is found in violation of any college rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the college. A student who is not in good standing is subject to the following restrictions:

(i) Ineligibility to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligibility to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(iii) Ineligibility to receive a college-administered scholarship when the length of the deferred suspension is greater than one quarter. Some scholarships adhere to more strict guidelines, and, therefore, ineligibility may result from a lesser length of deferred suspension. This sanction implies a serious offense and must be uniformly applied by the office administering the scholarship upon notification by the college disciplinary officer.

(iv) Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

(e) Conduct probation: An official warning that the student's conduct is in violation of *Lake Washington Technical College Student Conduct Code*, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed "not in good standing" with the college.

(f) Letter of enrollment block: A letter stating that the student may not reenter Lake Washington Technical College without prior approval by the office of the vice-president for student services if enrollment has been blocked for a previous student conduct problem or for medical reasons.

(g) Letter of reprimand: A letter that makes a matter of record any incident that reflects unfavorably on the student or the college.

(h) Warning: Admonition of a student for actions unbecoming to the college community.

(2) Secondary sanctions (no order of severity is established for secondary sanctions):

(a) Community/college service: A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) Educational requirements: A provision to complete a specific educational requirement directly related to the violation committed. The provisions include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

(c) Restrictions: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) Restitution: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

(e) Loss of parking privileges on campus: Revocation of parking privileges.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-120, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-120, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-130 Student conduct code—Initiation of discipline. (1) Any college faculty or administrator, except the president and the vice-president who would hear any appeal, may take any of the disciplinary actions defined in WAC 495D-120-120, except that only the president, a vice-president, or designee may expel, dismiss, or suspend a student from the college. Before taking the action, the disciplining official will notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-130, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-130, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-140 Student conduct code—Appeal of academic action or disciplinary action and student grievances. (1) Definitions:

(a) Academic action: Action taken by the college regarding student grades, instructional decisions regarding student progress, student attendance, and/or academic status.

(b) Disciplinary action: Action taken by the college for student violations of college rules, policies and procedures, the student conduct code, or applicable federal, state, county, or municipal laws.

(c) Grievance: A student appeal of a decision of the college, including those made by faculty, staff, and administration or the actions of another student.

(d) Levels of appeal/grievance: Five levels of the student appeals/grievance process in which resolution is considered by college faculty, staff and administration.

(e) Judicial board: A board consisting of two faculty, two administrators, and two students. The judicial board will hear appeals/grievances at appropriate times in the judicial process and make recommendations to the appropriate vice-president as to resolution.

(2) Filing of appeals or grievances:

(a) Students may appeal an action of the college or grieve the actions of the college, its staff, or another student, by filing an appeal/grievance with the appropriate vice-president within twenty working days, except for grade appeals, from the moment when the student had knowledge of the college action or grievable action. The appeal/grievance shall be filed with the vice-president of instructional services regarding academic actions, with the vice-president of administrative services for administrative and business service issues, and with the vice-president of student services for other student matters. A student is deemed to have notice three working days after any notice is mailed to the student's last address on record with the college.

(b) Grade appeal. If there is tangible evidence that an improper grade was given, a student must appeal directly to the instructor within sixty days of the official ending date of the quarter unless there are extenuating circumstances. Students planning to appeal a grade should retain all tests, paper, projects and other evidence they may have to support the appeal. The standard of review for grade appeals is whether the instructor was arbitrary and capricious. If the grade appeal is based on alleged academic dishonesty, the standard of review is a preponderance of the evidence.

(c) The appropriate vice-president shall attempt to have the grievance resolved at the lowest level possible, beginning with the student and the college individual involved with the academic action or student discipline or, in the case of a grievance, between the student and the person involved in the grievance. Students may have an advocate present during the appeals process. Mediation may be employed at any time in the appeals/grievance process. Resolution of the appeal/grievance at any level constitutes closure, at the college level, of the appeal/grievance. When resolution is achieved, a written agreement to that effect will be executed. Where violations of federal, state, or local statutes are alleged to have occurred, students may also be subject to additional actions in the courts.

(d) No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

The participation of attorneys will advance grievances to the Level Three stage, or by mutual agreement, to Level Four.

(3) Level One appeal/grievance:

Resolution of the appeal/grievance is attempted between the principals. The supervisor of the unit involved with the appeal/grievance is responsible for conducting the Level One process. Level One will be completed within ten working days of the student filing of the appeal/grievance and is conducted informally. A student may elect not to use Level One if he/she feels the direct meeting with the person involved in the appeal/grievance would not be appropriate. A student not

satisfied with resolution at Level One may move the appeal/grievance to Level Two.

(4) Level Two appeal/grievance:

At Level Two, the unit supervisor will consider the issues in the dispute and render a decision on the issues within ten working days of receipt of the appeal/grievance at Level Two. The supervisor will involve the parties in an attempt to resolve the appeal/grievance. This may include face-to-face meetings, mediation, or other means of resolution. A student may move the appeal/grievance to Level Three, within five working days of the Level Two decision by the supervisor.

(5) Level Three appeal/grievance:

At Level Three, the judicial board hears the appeal/grievance. Both parties to the appeal/grievance will have the opportunity to present information to the judicial board. A record of the judicial board's proceedings will be kept, which will entail at a minimum that the proceeding be tape-recorded. All testimony of witnesses and interpreters will be given under oath. The judicial board will conduct its hearing within twenty working days of receipt of the appeal/grievance at Level Three. The appropriate vice-president is responsible for convening the judicial board and ensuring the Level Three process is concluded.

The judicial board, after hearing the appeal/grievance, shall recommend disposition of the case to the appropriate vice-president. The recommendation will be included in the board's findings of fact and a recommended course of action.

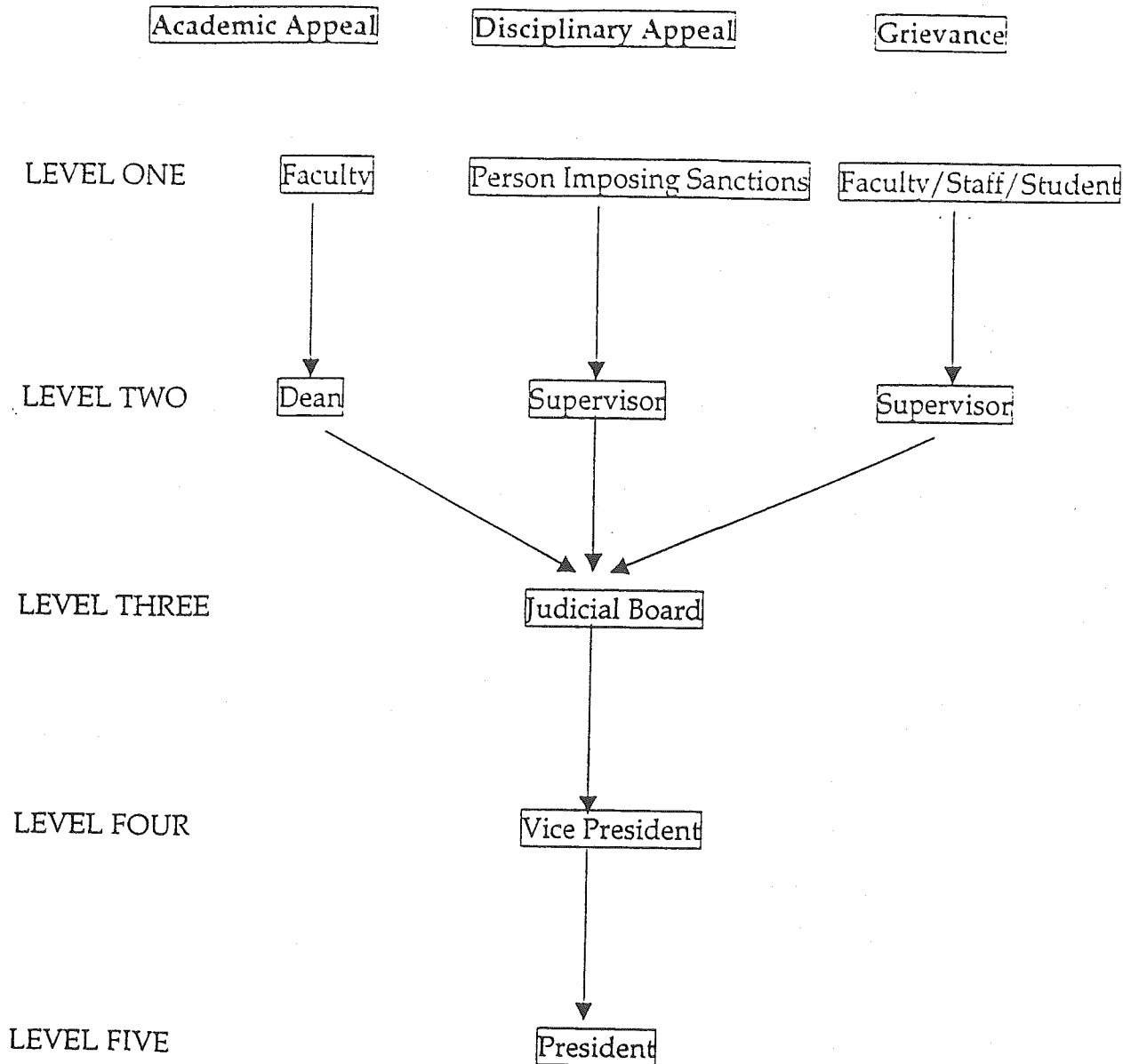
(6) Level Four appeal/grievance:

Level Four involves a hearing by the parties before the appropriate vice-president. The vice-president shall consider the recommendations of the judicial board, may take additional testimony from the parties or witnesses, and respond with a decision within ten working days of receipt of the judicial board's recommendations. The vice-president's decision in the matter may be appealed to the college president within ten working days of the student's receipt of the vice-president's decision.

(7) Level Five appeal/grievance:

The college president shall review appeals/grievances at Level Five. The president will issue a final decision within ten working days of receipt of the student's appeal of the vice-president's decision at Level Four.

Student Appeals/Grievance Process



[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-140, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-140, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-170 Student conduct code—Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college’s refund policy.

(2) A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-170, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.-140. 92-15-081, § 495D-120-170, filed 7/16/92, effective 8/16/92.]

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WAC 495D-120-180 Student conduct code—Readmission after dismissal or suspension. Any student dismissed or suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the dismissal or suspension was issued. If a student who has been dismissed or suspended believes that circumstances warrant reconsideration of the dismissal or suspension prior to its expiration; or, if the student was dismissed or suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president who imposed such suspension or such other designated administrator. Such

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petition must state reasons that support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed in a conference with a counselor and an administrator, and approved by the appropriate vice-president.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-180, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-180, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-190 Student conduct code—Reestablishment of academic standing. Students who have been expelled, dismissed, or suspended pursuant to disciplinary procedures set forth in WAC 495D-120-120 and 495D-120-130 and whose expulsion, dismissal, or suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-190, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-190, filed 7/16/92, effective 8/16/92.]

WAC 495D-120-200 Student conduct code—Reporting, recording, and maintaining records. Records of all disciplinary and grievance cases shall be kept by the vice-president for student services. All documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-120-200, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-120-200, filed 7/16/92, effective 8/16/92.]

Chapter 495D-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

WAC

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|--------------|--|
| 495D-122-010 | Policy. |
| 495D-122-020 | Notification. |
| 495D-122-030 | Procedure for brief adjudicative proceeding. |

WAC 495D-122-010 Policy. If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by such person.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-122-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person initially in person or by first-class mail that the services will not be provided since there is an outstanding debt due. Any initial in-person notification should be followed by written notification by first class mail, except where

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the debt is cleared upon in-person notification. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) A letter of notification shall state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-122-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-122-030 Procedure for brief adjudicative proceeding. (1) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing.

(2) After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five days after the hearing.

(3) This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494. The designee's decision shall be final unless the person within twenty-one days requests review by the president.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-122-030, filed 7/16/92, effective 8/16/92.]

Chapter 495D-123 WAC

WITHHOLDING OF SERVICES AND OTHER REMEDIES FOR OUTSTANDING DEBTS

WAC

| | |
|--------------|----------------------------------|
| 495D-123-010 | Policy. |
| 495D-123-020 | Notification. |
| 495D-123-030 | Procedure for informal hearings. |
| 495D-123-040 | Other remedies. |

WAC 495D-123-010 Policy. If any person is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to the transmitting of files, records, transcripts, or other services which have been requested by such person.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-123-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-123-020 Notification. (1) Upon receiving a request for services when there is an outstanding debt due to the college from the requesting person, the college shall notify the person by first class mail addressed to his or her last known mailing address that there is an outstanding debt and that the requested services will not be provided until that debt is paid.

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(2) The letter of notification shall also state that the individual has a right to a brief adjudicative hearing before the administrator of financial services or another person designated by the president, for the purpose of determining whether the individual is in fact indebted to the institution as alleged in the notice. The letter shall indicate that any request for a hearing must be received by the person who will conduct the hearing within twenty calendar days from the date of posting of said letter.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-123-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-123-030 Procedure for informal hearings. Upon receipt of a timely request for a hearing, the administrator of financial services or the person designated by the president shall have the records and files of the college available for review and shall promptly hold an informal hearing to determine whether the individual in fact owes any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the hearing officer indicating whether in fact the institution is correct in withholding services. Notification of this decision shall be sent to the individual within five regular college business days after the hearing. Such hearing shall constitute a brief adjudication proceeding as established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-123-030, filed 12/15/92, effective 1/15/93.]

WAC 495D-123-040 Other remedies. Withholding of services or other action(s) under this chapter shall not bar or restrict the college from pursuing any or all other available remedies, including but not limited to those in RCW 19.16.500 and 43.88.175 and/or appropriate court action.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-123-040, filed 12/15/92, effective 1/15/93.]

**Chapter 495D-130 WAC
TUITION AND FEE SCHEDULES**

| | |
|--------------|----------------------------|
| WAC | |
| 495D-130-010 | Tuition and fee schedules. |
| 495D-130-015 | Tuition and fee waivers. |
| 495D-130-020 | Location of schedules. |

WAC 495D-130-010 Tuition and fee schedules. Chapter 28B.15 RCW and RCW 28B.50.327 set the parameters for tuition and fee levels at state community and technical colleges. Based on this legislation, the specific amounts to be charged are recommended by the administration and adopted by the board of trustees of Lake Washington Technical College.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-130-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-130-015 Tuition and fee waivers. Chapter 28B.15 RCW and RCW 28B.50.327 set the parameters for tuition and fee waivers at state community and technical colleges. Based on this legislation, the specific types of tuition and fee waivers are established by the administration and

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adopted by the board of trustees of Lake Washington Technical College.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-130-015, filed 7/16/92, effective 8/16/92.]

WAC 495D-130-020 Location of schedules. Additional and detailed information and specific amounts to be charged for each category of students and courses will be found in the college catalog, schedule of courses, and in the following locations on the Lake Washington Technical College campus:

- (1) The office of admissions;
- (2) The registration office;
- (3) The office of the administrator of financial services;
- (4) The financial aid office; and
- (5) The college relations office.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-130-020, filed 7/16/92, effective 8/16/92.]

**Chapter 495D-131 WAC
SCHOLARSHIPS**

| | |
|--------------|---------------|
| WAC | |
| 495D-131-010 | Scholarships. |

WAC 495D-131-010 Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Lake Washington Technical College is located in the financial aid office on the Lake Washington Technical College campus.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-131-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-131-010, filed 7/16/92, effective 8/16/92.]

**Chapter 495D-132 WAC
FINANCIAL AID**

| | |
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| WAC | |
| 495D-132-010 | Financial aid. |

WAC 495D-132-010 Financial aid. The college shall offer a comprehensive financial program for students using college, state, and federal financial aid resources as well as from appropriate foundation resources. The financial aid office will provide financial aid information in college publications, assist students in obtaining information, determine student eligibility for financial aid, and manage the college's financial aid programs.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-132-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-132-010, filed 7/16/92, effective 8/16/92.]

**Chapter 495D-133 WAC
ORGANIZATION**

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|--------------|-------------------------------------|
| WAC | |
| 495D-133-020 | Organization—Operation—Information. |

WAC 495D-133-020 Organization—Operation—Information. (1) Organization. Lake Washington Technical

[Title 495D WAC—p. 15]

College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

11605 132nd Avenue Northeast
Kirkland, WA 98034-8506

The office hours are 7:30 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following address:

Marymoor Annex
6505 176th Avenue Northeast
Redmond, WA 98052-4943

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

11605 132nd Avenue Northeast
Kirkland, WA 98034-8506

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-133-020, filed 7/16/92, effective 8/16/92.]

Chapter 495D-134 WAC

DESIGNATION OF RULES COORDINATOR

WAC

495D-134-010 Rules coordinator.

WAC 495D-134-010 Rules coordinator. The rules coordinator for Lake Washington Technical College as designated by the president is:

Vice-President
Administrative Services
Lake Washington Technical College
11605 132nd Avenue Northeast
Kirkland, WA 98034-8506

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-134-010, filed 7/16/92, effective 8/16/92.]

Chapter 495D-135 WAC

REFUND OF TUITION AND SPECIAL COURSE/PROGRAM CONNECTED FEES

WAC

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| 495D-135-010 | Purpose. |
| 495D-135-020 | Definitions. |
| 495D-135-030 | Tuition and fee refund policies generally. |
| 495D-135-040 | Tuition and special course/program connected fees refund policy. |
| 495D-135-050 | Appeal. |

WAC 495D-135-010 Purpose. The board of trustees of College District No. 26 establishes policies for administering the refund of tuition and special course/program connected

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fees when a student withdraws from college or reduces class load.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-135-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-135-020 Definitions. As used in this chapter:

(1) "Misconduct" means student action or inaction which violates a college rule or policy and results in suspension or dismissal from the college.

(2) "Registration fee" means a service fee charged to defray the clerical expense of processing a registration transaction.

(3) "Special course/program connected fees" means fees other than tuition required for enrollment (e.g., equipment fees, supply fees, laboratory material fees, excess cost fees, etc.).

(4) "Termination" means the dismissal from a course, program, or the college due to student misconduct or lack of academic progress.

(5) "Transfer" means moving from one course to another within the same registration transaction.

(6) "Tuition" means fees collected by College District No. 26 which include the general tuition fees, operating fees, and the services and activities fees.

(7) "Withdraw" and "withdrawal" means when a student formally leaves college by completing the forms and procedures specified in the published class schedule or otherwise established by the college.

[Statutory Authority: RCW 28B.50.140. 95-17-052, § 495D-135-020, filed 8/14/95, effective 9/14/95; 93-01-084, § 495D-135-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-135-030 Tuition and fee refund policies generally. Tuition and special course/program connected fee refunds will be made for a student's reduction in class load or complete withdrawal from college, in accordance with these rules. Students will forfeit all claims to refund of tuition and special course/program connected fees when they fail to withdraw from the college, when they are suspended or terminated for misconduct, and when the tuition and special course/program connected fees are designated in the quarterly course schedule and/or course announcement as nonrefundable.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-135-030, filed 12/15/92, effective 1/15/93.]

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:

(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session.

(2) A full refund will be made when courses or programs are cancelled by the college.

(3) Upon withdrawal or termination from a state-supported course on or after the first day of instruction and prior

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**Chapter 495D-136 WAC
COLLEGE CALENDAR**

WAC

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|--------------|--------------------------|
| 495D-136-010 | College calendar. |
| 495D-136-020 | College closure. |
| 495D-136-030 | Cancellation of classes. |

to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(4) Upon withdrawal or termination from a state-supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(5) Refunds for withdrawals or terminations from state-supported courses that start after the regular quarter begins, or from state-supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. However, the college will use the start date of the student's longest course or registration period during the regular quarter when calculating refunds upon the student's withdrawal from all courses. Refunds will be made prior to the second scheduled class meeting for self-supported courses, except that refunds will be made only prior to a single-session self-supported course.

(6) Refund requests must be made in person or in writing. Refund requests may not be made by telephone.

(7) Refund processing procedures shall be established by the president.

(8) Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.

(9) The college may charge a registration or transfer fee set by the president for registration or transfer processing.

(10) Refunds of less than five dollars will not be made.

(11) Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.

(12) Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.

[Statutory Authority: RCW 28B.50.140. 00-03-030, § 495D-135-040, filed 1/12/00, effective 2/12/00; 95-17-052, § 495D-135-040, filed 8/14/95, effective 9/14/95; 93-19-075, § 495D-135-040, filed 9/14/93, effective 10/15/93; 93-01-084, § 495D-135-040, filed 12/15/92, effective 1/15/93.]

WAC 495D-135-050 Appeal. A student may appeal denial of a refund request within one quarter of payment. All such appeals shall be made in writing, and filed with and decided by the registrar.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-135-050, filed 12/15/92, effective 1/15/93.]

(2003 Ed.)

WAC 495D-136-010 College calendar. At its regular December meeting, or such subsequent regular meeting as is practical, the board of trustees, upon recommendation from the president and after such conference with faculty and other staff as provided for in the college's bargained agreements, will adopt the college calendar(s) for the ensuing academic year(s). The president will solicit comments from all college staff regarding revisions to the calendar(s) prior to completing such recommendations to the board. Such calendar(s) will specify for each term the days available for instruction, the days which will constitute the final examination period (if any is scheduled), the days which will be designated as the college holidays, and other such dates as the board determines shall be of general use. The calendar for each academic year will begin with the summer term. The calendar(s) adopted as outlined above will be published in the college catalog and will be available in the offices of admissions and registration during regular college business hours.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-136-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-136-020 College closure. In the event of severe weather conditions, power curtailment, a major disaster, or other emergency, the college president or his or her designee may close the college by a general announcement to that effect, which shall be conveyed to appropriate news media.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-136-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-136-030 Cancellation of classes. Classes publicized in the printed quarterly schedule of classes may be cancelled by the registrar. Advance notice will be provided to students whenever possible and practical. The college shall not incur any liability for personal expenses incurred by students beyond:

(1) The refund of tuition and fees for such classes, as specified in chapter 495D-135 WAC and published in publications of the college; and

(2) The refund of payment for texts and supplies required for the cancelled class(es) which were purchased in the college bookstore, as provided by chapter 495D-144 WAC and in publications of the college and college bookstore.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-136-030, filed 12/15/92, effective 1/15/93.]

**Chapter 495D-140 WAC
USE OF COLLEGE FACILITIES**

WAC

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|--------------|---|
| 495D-140-010 | Use of college facilities. |
| 495D-140-020 | Limitation of use to school activities. |
| 495D-140-030 | Statement of intentions. |
| 495D-140-040 | General policies limiting use. |

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|--------------|---|
| 495D-140-050 | Administrative control. |
| 495D-140-060 | Trespass. |
| 495D-140-070 | Prohibited conduct at college facilities. |
| 495D-140-080 | Control of pets in college facilities. |
| 495D-140-090 | Basis of fee assessment. |
| 495D-140-100 | Application procedures. |
| 495D-140-110 | Supervision during activity. |

WAC 495D-140-010 Use of college facilities. Lake Washington Technical College serves King and Snohomish counties by providing continued educational opportunity for its citizens. In keeping with this general purpose, and consistent with RCW 28B.50.140(7) and 28B.50.140(9), the board of trustees believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-020 Limitation of use to school activities. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of the college's own teaching or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching or public service activities of the college and its departments;

(b) Training, educational, cultural, or recreational activities of the students, faculty, or staff;

(c) Short courses, inservices, seminars, or similar events, conducted either in the public service or for the advancement of specific college interests, when arranged under the sponsorship of the college;

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

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

(2) College facilities may be used by student organizations for regular business meetings, social functions, and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for use by individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the

vice-president of administrative services. Allocation of space shall be made by such officer in accordance with these rules, board of trustees policy, college administration policy and procedure, and on the basis of time, space, priority of request, and the demonstrated needs of the applicant.

(4) In determining whether to accept a request for the use of college facilities the administration shall use the following priorities: First, activities of a nature that qualify for state FTE support; second, activities that are operated under a contract with the college; third, activities that are operated under the college's community service program; and fourth, activities that constitute rental of the facility that is related to training.

(5) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities or is delinquent in payment of charges imposed for prior use of college facilities or equipment or supplies associated with such use. Charges may be imposed for damage or for any costs for the use of facilities or equipment or supplies associated with facility use. The individual, group, or organization requesting space will be required to state in writing in advance the general purpose of any meeting.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-030 Statement of intentions. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-040 General policies limiting use. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups or groups of persons meeting for religious purposes shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination.

(4) No one may post promotional signs or posters on buildings, trees, walls, or bulletin boards, or distribute of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials, except those which are commercial, obscene, or unlawful, may be distributed by nonstudents in designated areas on the campus where, and at times when, such distribution will not interfere

with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials must be authorized in advance by the vice-president of administrative services and shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the vice-president of administrative services.

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

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

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

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

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

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules, and fees for equipment and supplies associated with such rental, where appropriate.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by any appropriate administrator, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of

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persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

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

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-070 Prohibited conduct at college facilities. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants, except as specifically permitted by board of trustees policy as determined by the president or executive vice-president on college property or at college functions, is prohibited. Students under the influence of intoxicants, unlawful drugs, or narcotics while on college property are subject to disciplinary action.

(2) The use of tobacco, whether smoked, chewed, or otherwise used, is prohibited in accordance with state laws and health regulations. Smoking is permitted only where specifically designated by official signs posted on campus.

(3) Destruction of public property is also prohibited.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-070, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired. Exceptions to this rule may be granted by the director of campus services for good cause.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-090 Basis of fee assessment. (1) Use fees reflect the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. A current fee schedule is available to interested persons from the inservice coordinator.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. Facility use will not be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used, except where such use is in support of the educational program of the college.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-100 Application procedures. (1) At least ten days prior to date of intended use of any college facility, or such lesser period as is approved by the vice-president of administrative services, an authorized representative of the requesting organization must submit proper and complete written application for use of college facilities which may be obtained through the college's inservice coordinator. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in

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some substantive way; if so, separate applications will be required.

(2) An authorized representative of the using organization shall sign the application, which upon approval by the vice-president of administrative services or designee shall serve as an agreement. By affixing a signature as representing the using organization, the signatory certifies that he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges. These charges may include interest on overdue accounts, as specified on the facility use form but not less than one percent per month.

(3) For large events, events requiring expenditures on the part of the college, or events where significant areas are blocked out for the user, up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

(5) Use of a facility is limited to the facility specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The college reserves the right to cancel any agreement and refund any payments for use of college facilities and equipment when he or she deems such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that applicant and organization are liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified by the applicant and approved by the college in advance.

(9) Organizations using Lake Washington Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all policies adopted by the board of directors of College District 26.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-140-110 Supervision during activity. (1) Signatories to the facility use agreement as well as organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of certain facilities makes it advisable, the college reserves the right to require that a staff member monitor the activity. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all facilities used by signatories or organizations. Keys to buildings or facilities will not be issued or loaned to any using organization with the exception of keys to designated off-campus locations or by approval of the designated administrative officer.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-140-110, filed 7/16/92, effective 8/16/92.]

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Chapter 495D-144 WAC BOOKSTORE OPERATING POLICY

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| 495D-144-010 | Lake Washington Technical College bookstore operating policy. |
| 495D-144-020 | Return and refund policy. |
| 495D-144-030 | Lake Washington Technical College bookstore credit policies. |
| 495D-144-040 | Lake Washington Technical College bookstore pricing policies. |

WAC 495D-144-010 Lake Washington Technical College bookstore operating policy. (1) Lake Washington Technical College bookstore is operated for the special convenience, support, and use by students and staff of Lake Washington Technical College. The bookstore's goods, services, and facilities are directly and substantially related to the educational mission of the college. Prices and fees will take into account all direct and indirect college costs, including overhead. Specific operating policies and procedures will be established by the president or his or her designee to promote the effective and efficient operation of the bookstore and to implement the provisions of this chapter.

(2) The bookstore will sell goods on the same basis to other persons as well. There is no similarly situated private bookstore available to meet all the demands of college visitors.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-144-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-144-020 Return and refund policy. (1) Defective merchandise may be returned within a reasonable time for replacement or refund at the discretion of the administration.

(2) New books may be returned for refund on specified dates or within such specified time periods as are established and posted by the bookstore manager. The proper sales slip must be presented.

(3) Exceptions to the above are subject to the discretion of the bookstore manager.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-144-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-144-030 Lake Washington Technical College bookstore credit policies. The Lake Washington Technical College bookstore will not establish personal charge accounts or extend personal credit.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-144-030, filed 12/15/92, effective 1/15/93.]

WAC 495D-144-040 Lake Washington Technical College bookstore pricing policies. (1) The bookstore will supply books and supplies at an established retail rate.

(2) Complimentary copies of books will not be furnished to faculty.

(3) No discounts will be given to specific individuals.

(4) Discounts applied at the discretion of the administration to categories or groupings of merchandise, and available to all customers, may be offered in order to clear aging or promotional merchandise. Detailed records will be kept of such discount activities.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-144-040, filed 12/15/92, effective 1/15/93.]

Chapter 495D-148 WAC AFFIRMATIVE ACTION POLICY

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495D-148-010 Equal employment opportunity/affirmative action policy.

WAC 495D-148-010 Equal employment opportunity/affirmative action policy. (1) Lake Washington Technical College is an equal opportunity employer committed to providing equal opportunity and nondiscrimination to employment applicants and employees without regard to race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of any sensory, mental, or physical disability, or whether a disabled veteran or Vietnam era veteran (hereinafter, protected group status). The college is equally committed to take affirmative action to increase the numbers of protected group members such as Asians, Blacks, Hispanics, Native Americans, women, persons between the ages of forty and seventy, persons of disability, disabled veterans and Vietnam era veterans in positions where it is determined they are under-represented. The college will make every effort to eliminate barriers to equal employment opportunity encountered by these protected group members and to improve employment opportunities available to under-represented groups.

(2) The college will recruit, hire, train, and promote individuals in all job classifications solely upon their qualifications and ability or potential ability to do the job, and shall consider protected group status only when such is a bona fide occupational qualification.

(3) All other personnel actions such as compensation, benefits, layoffs, return from layoffs, terminations, college-sponsored training, education, tuition assistance, and social and recreational programs will be administered without regard to protected group status.

(4) Numerical goals will be set in areas where protected classes are determined to be under-represented based upon the district's demographics. The college will make every effort to meet such goals within the timetables established for such goals.

(5) The president is charged with the overall responsibility for assuring that the equal employment opportunity/affirmative action policy is administered effectively, and is granted the authority to exercise that responsibility. It is incumbent upon each member of the Lake Washington Technical College faculty, administration, and staff to make a good faith effort in the execution of this policy. Failure to do so may be grounds for disciplinary action.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-148-010, filed 12/15/92, effective 1/15/93.]

Chapter 495D-168 WAC USE OF LIBRARY—FINES

WAC
495D-168-010 Title.
495D-168-020 Loans.

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495D-168-030 Fines.
495D-168-040 Student handbook.
495D-168-050 Inspection.
495D-168-060 Prohibited entry.

WAC 495D-168-010 Title. WAC 495D-168-010 through 495D-168-040 will be known as the library-media center code of Lake Washington Technical College.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-168-020 Loans. Materials from the college library media center are checked out only to the following groups:

- (1) All currently registered students of the college;
- (2) All current faculty and administrative staff members;
- (3) All persons currently employed in classified staff positions;
- (4) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;
- (5) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Lake Washington Technical College students;
- (6) Persons in charge of groups using college facilities under the terms of the facility use agreement; and
- (7) Lake Washington School District No. 414 staff under terms of interlibrary loan agreements as may be approved by the college president or his or her designee.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-168-030 Fines. In cases where damage or loss of library material is evident, the offending patron will be assessed the replacement cost. In other instances where library-media materials are retained by the borrower beyond the designated due date, fines will be levied. When materials are not returned, or fines not paid, holds are placed on the transcript records of those involved in accordance with chapter 495D-122 WAC, or the matter may be referred for collection. In extreme cases, when expensive or valuable items are involved, the provisions of RCW 27.12.340 may be invoked.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-168-040 Student handbook. Additional administrative policy and procedure governing the operation of the library-media center and the rules for loaning books, other print materials and nonprint materials may be developed by the administration and published in the college policy and procedure manual and in the student handbook of Lake Washington Technical College.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-168-050 Inspection. The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the library premises to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-168-060 Prohibited entry. Food and beverages, animals, or other things detrimental to the library purpose are prohibited in the library, except as permitted by the librarian.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-168-060, filed 7/16/92, effective 8/16/92.]

Chapter 495D-180 WAC COPYRIGHT AND PATENT POLICIES

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| 495D-180-005 | General statement. |
| 495D-180-010 | Scope and definitions. |
| 495D-180-015 | Materials subject to copyright. |
| 495D-180-020 | Rights to copyrightable materials. |
| 495D-180-025 | Procedures. |
| 495D-180-030 | Use of materials. |
| 495D-180-035 | Payments to the individual creator. |
| 495D-180-040 | Protection and liability. |

WAC 495D-180-005 General statement. (1) The board of trustees of College District No. 26 recognizes that, as part of the institutional educational mission, the publication of certain materials may enhance educational processes. The board also recognizes and encourages the right of faculty, staff, and students to exercise individual initiative in creating materials which meet copyright specifications and which may generate royalty income when marketed.

(2) The generation of materials which may be copyrighted often extends beyond the initiative of individuals and may include the use of equipment, facilities, and financial support either from the institution or from outside sources. Accordingly, the college will maintain a policy which clarifies and protects the respective rights of faculty, staff, student employees, and the college by defining the types of materials which should be designated as "college-supported" or "college-sponsored," by establishing procedures for administering policy concerning these materials and by stating policy governing their ownership and use and the rights to income produced therefrom.

(3) It should be emphasized that this policy does not affect the personal ownership rights of faculty, staff, or student employees to books or other materials not specifically commissioned by the college or the preparation of which were not assisted in any significant way by a third party sponsor or the college. The creator is free to use his or her own name, and receive royalties resulting from sales, providing the initiative for the work came solely from the creator and the college, including grants or contracts administered by the college, did not provide a significant portion of the resources utilized in production of materials.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-005, filed 12/15/92, effective 1/15/93.]

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WAC 495D-180-010 Scope and definitions. (1) This statement of policy shall apply to all faculty, staff, and student employees of the college and any group or groups of faculty or staff or student employees of the college or any combination thereof.

(2) As used in this chapter:

(a) "Copyright administrator" means the college president or his or her designee;

(b) "Creator" means the author or producer of a creative work;

(c) "Individual" means any faculty, staff, or student employee or employees of the college or any group or groups of faculty, staff, or student employees of the college.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-010, filed 12/15/92, effective 1/15/93.]

WAC 495D-180-015 Materials subject to copyright.

(1) The following original creations, among others, ordinarily are classed as copyright-eligible:

(a) Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals.

(b) Lectures, musical or dramatic compositions, and unpublished scripts.

(c) Films, film strips, charts, transparencies, and other visual aids.

(d) Video and audio tapes and cassettes.

(e) Live video or audio broadcasts.

(f) Programmed instruction materials.

(g) Computer programs.

(2) This policy does not apply to the following types of materials:

(a) Articles submitted to or published by scholarly and professional journals.

(b) Class notes produced in connection with a regularly-scheduled course of instruction.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-015, filed 12/15/92, effective 1/15/93.]

WAC 495D-180-020 Rights to copyrightable materials. (1) Individual effort: Any individual who produces copyright-eligible material as the result of individual initiative and effort and without the significant assistance, support, or sponsorship of the college or a college-administered grant or contract shall retain full right of ownership, control, use, and disposition over the material. The individual shall be solely responsible under such circumstances for determining whether to copyright the material.

(2)(a) College-supported individual effort: If the college provides significant support or assistance for an individual in producing materials eligible for copyright such as, but not limited to, the creator's use of college funds, equipment, facilities, materials, staff services, or other resources without full and prompt reimbursement by the individual, ownership of rights in the material shall be vested in the college subject to the conditions set forth in this policy. The college may copyright such materials when it appears that copyrighting will be in the best interest of the college and individual.

(b) Any individual who is preparing, or is planning to prepare copyright-eligible material under circumstances

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which may be considered college-supported, college-assisted, or college-sponsored, shall initiate an inquiry as to their status. A descriptive statement of the relevant facts shall be forwarded to the college copyright administrator. Thereafter, the college copyright administrator shall advise the individual as promptly as possible as to whether the materials should be regarded as college-supported or college-sponsored within the meaning of this policy. The college copyright administrator's decision in such cases will be considered as a preliminary draft opinion subject to clarification and final action when the work is completed. The final decision will be rendered in accordance with WAC 495D-180-025.

(3) College-sponsored effort: Ownership rights in college-sponsored materials shall be vested in the college subject to the conditions set forth in this statement of policy. Materials are college-sponsored if the individual has been commissioned in writing by the college or otherwise assigned to develop the materials or, in their production, has been authorized released time for which the individual will receive compensation from college funds, including grant and contract funds administered by the college. The college copyright administrator may, at his or her sole discretion, elect to share with the individual royalties resulting from sales of such materials: Provided, that the individual shall have no right to the sharing of such royalties in the absence of an express written agreement with the college copyright administrator.

(4)(a) Efforts supported by outside agencies: Copyright-eligible materials produced under the sponsorship of agencies outside the college must contain specific provisions regarding the disposition of any royalties or materials generated through grants or contracts furnished by such agencies. Any individual accepting support from outside agencies must verify the content of these provisions. No college employee may enter into a contract with an outside agency which requires a college employee's participation unless royalty rights and the disposition of copyright-eligible materials are specified clearly, and such provisions are acceptable to the college copyright administrator and consistent with college policies covering such activities.

(b) Where the college is a party to sponsored projects resulting in production of copyrightable materials, the following conditions will apply:

- (i) Title to all materials will remain with the college.
- (ii) The sponsor of the project may retain rights to royalty-exempt use of materials.
- (iii) With the college copyright administrator's written concurrence, parties to a sponsored grant or contract may agree to assignment of rights which may vary from (b)(i) and (ii) of this subsection.
- (iv) Any sharing of, or individual participation in any royalty income, must be specified under the terms of the contract with the sponsoring agency and approved in writing by the college copyright administrator.
- (v) As copyright administrator, the president of the college or his or her designee will retain final responsibility and authority for all decisions on royalty sharing and other copyright matters involving the college.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-020, filed 12/15/92, effective 1/15/93.]

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WAC 495D-180-025 Procedures. (1) In any instance where copyrightable materials are generated other than by individual efforts, i.e., partially or fully supported or sponsored by the college or by an outside agency but involving college participation, the college copyright administrator will confer with the individual creator and other concerned parties to reach a copyright agreement which is acceptable to all parties and consistent with the college copyright policy.

(2) The college copyright administrator may appoint a copyright committee of up to three persons to advise on matters related to ownership, disposition, and royalty distribution from copyrightable materials.

(3) All programs expected to generate copyrightable materials by other than individual effort must undergo prior review by the copyright administrator in order that a preliminary determination can be made regarding rights, disposition of materials, and distribution of income.

(4) Records of advance arrangements and copies of all agreements must be part of all project files; the creator must provide copies of all agreements to the copyright administrator.

(5) Any agreement made with individual creators may be reviewed and revised subsequently at the option of the college copyright administrator.

(6) All contracts or agreements made with individuals or sponsoring agencies must contain reference to the college copyright policy as a basis for the agreement.

(7) In all instances, copyright agreements and decisions affecting those agreements will be formulated on the assumption that protection of the rights of individuals is important and that agreements should be designated to stimulate individual initiative.

(8) All agreements made under the college copyright policy and these procedures should be designed to assure adequate controls and to fulfill college accountability for allocated public resources and the reimbursement of those resources where appropriate.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-025, filed 12/15/92, effective 1/15/93.]

WAC 495D-180-030 Use of materials. (1) Two categories of use are differentiated for purposes of this policy:

(a) Internal use: Use by any unit of the college for instruction or other educational purposes.

(b) External use: Use by educational institutions other than the college, use by government agencies and other non-profit institutions, and use resulting from lease or other contractual arrangements for commercial distribution of the materials.

(2) Use of college-supported or college-sponsored materials under this policy shall be subject to the following conditions:

(a) Internal use:

(i) Use within the college does not require the approval of either the individual creator or the college unless advance approval is required by a prior written agreement.

(ii) As long as the individual creator of college-supported or college-sponsored materials remains employed by the college, he or she may request reasonable revision of the materials prior to any instance of internal use and may ask

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that the materials be withdrawn from internal use if necessary revisions are not feasible. The final decision regarding appropriate revision or withdrawal of materials will be made by the copyright administrator.

(iii) If the individual creator terminates employment with the college, then the college retains the right to continue internal use of the college-supported or college-sponsored materials except as the individual and the college agree in writing on special conditions for subsequent internal use of the materials and the procedures for their revision.

(b) External use: Licensing or sale of college-supported or college-sponsored materials for external use shall be preceded by written agreement between the college and the individual creator specifying the conditions of use, including provisions concerning the right of the individual creator to revise materials periodically or to withdraw them from use, subject to existing agreement, in the event revisions are not feasible.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-030, filed 12/15/92, effective 1/15/93.]

WAC 495D-180-035 Payments to the individual creator. (1) Compensation for production activity: In general the regular assignments of the individual should be adjusted to take into account the extra time required to develop or produce college-supported or college-sponsored materials. In these circumstances, additive compensation will not be paid to the individual creator. If recorded material is reused, it may be appropriate to adjust the regular assignments of the individual where he or she makes some continuing input or contribution to the repeated program.

(2) Income from sales or rentals:

(a) Both the college and the individual are entitled to a share of income from the licensing or sale of college-supported or college-sponsored materials; the college on the basis of salary, facilities, administrative support, or other resources devoted to the project, and the individual for creative activity which contributes to an enriched educational program. Where sponsored grant or contract funds are involved, the division of income will be subject to approval by the sponsoring agency. In some cases, the sponsor may require that all income be credited to the project account.

(b) Where college-supported or college-sponsored materials are to be sold or rented, and subject to any limitations specified by granting agencies, the following guidelines pertaining to financial arrangements shall be observed:

(i) All incremental expenses related to the production and distribution of additional copies will be recovered from each sale or rental.

(ii) An appropriate fraction of the college's original production costs, as agreed upon between the individual and the college copyright administrator, also will be recovered from each sale or rental.

(iii) Subject to any limitations specified by outside granting agencies, a royalty of not more than ten percent of (b)(i) and (ii) of this subsection may be included in the sale or rental price. After production costs are fully recovered and after required distribution to a sponsoring agency, if any, the resultant royalty income will be divided equally between the individual and the college.

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[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-035, filed 12/15/92, effective 1/15/93.]

WAC 495D-180-040 Protection and liability. (1) The college copyright administrator shall investigate allegations of unauthorized use or copyright infringement of college-supported or college-sponsored materials and shall recommend appropriate action. If legal remedies are pursued by the college, all costs of such remedies shall be borne by the college. All proceeds in excess of such costs shall be shared equally by the college and the individual creator, subject to sponsoring agency limitations, if any, when a grant or contract is involved.

(2) Before any use is made of college-supported or college-sponsored materials, the individual creator shall certify in writing to the copyright administrator that, to the best of the individual creator's knowledge, the materials do not infringe on any existing copyright or other legal right. When there are allegations of violations of personal or property rights by the college or by the individual creator in college-supported or college-sponsored materials copyrighted by the college, the college shall assume responsibility for the defense on any action. However, the individual creator may indemnify the college against any damages, charges, costs, expenses (including counsel fees), judgments, penalties, liabilities, or losses of any other kind or nature whatsoever, which are sustained or suffered by or imposed on the college as a result of the finding of any court or other decision-making tribunal that such a violation, caused by the creator, has occurred.

[Statutory Authority: RCW 28B.50.140. 93-01-084, § 495D-180-040, filed 12/15/92, effective 1/15/93.]

Chapter 495D-276 WAC ACCESS TO PUBLIC RECORDS

WAC

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WAC 495D-276-010 Purpose. The purpose of this chapter is to ensure that College District 26 complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or

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retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "College District 26" is an agency organized by statute pursuant to RCW 28B.50.040. College District 26 shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-030 Description of central and field organization of College District 26. (1) College District 26 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Lake Washington Technical College campus within the city of Kirkland, Washington. The Lake Washington Technical College campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495D-104-010. The board of trustees employs a president, an administrative staff, members of the faculty, and other employees. The board of trustees takes such actions and promulgates such rules and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the policies and procedures manual for Lake Washington Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the policies and procedures manual of Lake Washington Technical

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College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-070, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

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

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-090 Copying. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records but such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district employee. All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495D-276-080 is exempt pursuant to RCW 42.17.310 or other statute. Such determination may be made in consultation with an assistant attorney general assigned to the district.

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

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

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

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for a brief adjudicative proceeding. The written request shall spe-

cifically refer to the written statement which constituted or accompanied the denial.

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

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

(4) During the course of the review the vice-president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

(5) The vice-president or designee's decision shall be final unless the requisition files a written appeal with the president under RCW 34.05.491.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-110, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-120 Protection of public records. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495D-276-090.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-120, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-130 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:

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

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

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

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

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

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine

or opine upon, the rights of the state, the public, a subdivision of state government, or any private party.

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

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-130, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-140 Adoption of form. The district shall adopt an appropriate form for use by all persons requesting inspection and/or copying or copies of its records.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-276-140, filed 7/16/92, effective 8/16/92.]

Chapter 495D-280 WAC

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

WAC

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| 495D-280-010 | Family Educational Rights and Privacy Act—General policy. |
| 495D-280-015 | Family Educational Rights and Privacy Act—Definitions. |
| 495D-280-020 | Family Educational Rights and Privacy Act—Annual notification of rights. |
| 495D-280-030 | Family Educational Rights and Privacy Act—Procedure to inspect education records. |
| 495D-280-040 | Family Educational Rights and Privacy Act—Disclosure of education records. |
| 495D-280-050 | Family Educational Rights and Privacy Act—Limits on rights to review and inspect and obtain copies of education records. |
| 495D-280-060 | Family Educational Rights and Privacy Act—Record of request and disclosures. |
| 495D-280-080 | Family Educational Rights and Privacy Act—Requests for corrections, hearings, adding statements to education records. |
| 495D-280-090 | Family Educational Rights and Privacy Act—Fees for copies. |
| 495D-280-100 | Family Educational Rights and Privacy Act—Waiver. |
| 495D-280-110 | Family Educational Rights and Privacy Act—Type and location of education records. |
| 495D-280-120 | Family Educational Rights and Privacy Act—Remedy for students protected by this act. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 495D-280-070 | Disclosure of directory information. [Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-070, filed 7/16/92, effective 8/16/92.] Repealed by 00-20-007, filed 9/22/00, effective 10/23/00. Statutory Authority: CR-102 [RCW 28B.50.140]. |
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WAC 495D-280-010 Family Educational Rights and Privacy Act—General policy. Lake Washington Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and its implementing regulation (34 C.F.R. §99). Briefly, Lake Washington Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

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[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-015 Family Educational Rights and Privacy Act—Definitions. For the purposes of this policy, the following definitions apply:

(1) "Student" means any individual who is or has been in attendance at Lake Washington Technical College and for whom the college maintains education records. A person no longer in attendance at the college is no longer a current student, but his or her educational records remain covered by the Family Educational Rights and Privacy Act.

(2) "Education records" are those records, files, and documents (in handwriting, print, tapes, film, microfiche, or other medium) maintained by the college that contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a certificate or degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students' participating in student government that is maintained by the student government office.

(f) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(3) "Personally identifiable" means the following information about students or family members:

(a) Student information:

(i) Name;

(ii) Address;

(iii) Telephone numbers;

(iv) E-mail address;

(v) Date and place of birth;

(vi) Level of education;

(vii) Academic major;

(viii) Degrees, certificates, and awards received;

(ix) Eligibility for and participation in officially recognized college activities and organizations;

(x) Dates of attendance;

(xi) Educational institution in which the student most recently was enrolled;

(xii) Full-time or part-time status;

(xiii) Grades;

(xiv) Test scores;

(xv) Medical records;

(xvi) Specific dates and places of classes in which enrolled;

(xvii) Personal identifiers such as Social Security number or college student identification numbers;

(xviii) Other personally identifying characteristics which would make the student's identity easily traceable;

(xix) Photograph.

(b) Family information:

(i) Names of parents or other family members;

(ii) Parents or other family members' addresses.

(4) "Directory information" includes the following student information:

(a) Name;

(b) Academic major;

(c) Degrees, certificates, and awards received;

(d) Eligibility for and participation in official activities and organizations;

(e) Dates of attendance;

(f) Full-time or part-time status.

(5) "Solomon amendment" information is student information provided to military recruiters for recruitment purposes in accordance with federal statute, and includes the following:

(a) Name;

(b) Address;

(c) Telephone numbers;

(d) Date and place of birth;

(e) Level of education;

(f) Academic major;

(g) Degrees, certificates, and awards received;

(h) Educational institution in which the student most recently was enrolled.

(6) "Written consent" means a written authorization for disclosure of student education records which is signed by the student (or parent if the student is under the age of eighteen and is attending Otteson High School), dated, specifying the records to be disclosed, and specifies to whom disclosure is authorized.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-015, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-015, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-020 Family Educational Rights and Privacy Act—Annual notification of rights. Lake Washington Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and quarterly schedule of courses. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-020, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-030 Family Educational Rights and Privacy Act—Procedure to inspect education records. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495D-280-110.

(2) Students must submit to the appropriate college official a written request that identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify

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the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-030, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-040 Family Educational Rights and Privacy Act—Disclosure of education records. (1) The college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated student government of Lake Washington Technical College or employed by the college, including contractors such as the National Student Loan Clearinghouse;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) The disclosure is to parents, as defined in Section 99.3, of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.

(h) To parents of an eligible student who claim the student as a dependent for income tax purposes;

(i) To comply with a judicial order or a lawfully issued subpoena;

(j) To military recruiters authorized to obtain specific information under the Solomon Amendment;

(k) To a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense.

(2) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than those listed in subsection (1) of this section.

(3) "Directory information" may be disclosed at the discretion of the college and without the consent of the student, unless he or she elects to prevent disclosure. Students who wish to prevent disclosure will file a written request with the registrar. The request continues in effect according to its terms unless revoked in writing by the student.

(4) "Solomon Amendment" information, as defined in 7.P.23, may be released to military recruiters authorized to obtain specific information for recruitment purposes. Release of this information applies to students seventeen years and older and does not apply to students with previous military experience or to students who have filed a request to prevent disclosure of "directory information."

(5) "Personally identifiable" information, other than that defined as "releasable," "directory information," or "Solomon Amendment" information shall not be released, except as

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specifically requested by the student (or parents in the case of Otteson High School students under the age of eighteen).

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-040, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-040, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-050 Family Educational Rights and Privacy Act—Limits on rights to review and inspect and obtain copies of education records. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Lake Washington Technical College reserves the right to refuse to permit a student to inspect the following records:

- (a) The financial statement of the student's parents;
- (b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;
- (c) Records connected with an application to attend Lake Washington Technical College if that application was denied; and
- (d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records, and not otherwise available for inspection under the Washington Public Records Act, chapter 42.17 RCW.

(3) Lake Washington Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

- (a) The student has an unpaid financial obligation to the college;
- (b) There is an unresolved disciplinary action against the student.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-050, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-060 Family Educational Rights and Privacy Act—Record of request and disclosures. (1) The college shall maintain a record of requests for and disclosures of personally-identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495D-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

- (a) The names of parties who have received personally identifiable information;
- (b) The interest the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

- (a) The student;

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(b) The college officials who are responsible for the custody of the records; and

(c) Persons authorized to audit the recordkeeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student;
- (d) A party seeking directory information; or
- (e) A school official, or an entity which qualifies as an employee of the college (e.g., National Student Loan Clearinghouse).

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-060, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-080 Family Educational Rights and Privacy Act—Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495D-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president of student services or designee within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president of student services or designee shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time, and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the vice-president of student services or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. One or more individuals may assist the student, including an attorney.

(4) The vice-president of student services or designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student, based on the student's evidence presented at the hearing.

(5) If the vice-president of student services or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the

record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the vice-president of student services or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-080, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-090 Family Educational Rights and Privacy Act—Fees for copies. Copies of student records shall be made at the expense of the requesting party at the appropriate cost as determined by college procedure.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-090, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-100 Family Educational Rights and Privacy Act—Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the admissions and registration office. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-100, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-110 Family Educational Rights and Privacy Act—Type and location of education records.

| Types | Location | Custodian |
|--|--------------------------------------|---------------------------------|
| Admission, Testing Records | Admissions Office | Registrar |
| Cumulative Academic and Registration Records | Registration Office | Registrar |
| Payment of Tuition Records | Accounting Office | Director of Accounting Services |
| Student Government | Associated Student Government Office | Secretary |
| Participation Records | | |
| Financial Aid, Student | Financial Aid Office | Director of Financial Aid |
| Employment Records | | |

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-110, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-110, filed 7/16/92, effective 8/16/92.]

WAC 495D-280-120 Family Educational Rights and Privacy Act—Remedy for students protected by this act. A student may file a written complaint with the United States Department of Education regarding an alleged violation of

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the Federal Education Rights and Privacy Act. The address is:

Family Policy and Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

[Statutory Authority: CR-102 [RCW 28B.50.140]. 00-20-007, § 495D-280-120, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-280-120, filed 7/16/92, effective 8/16/92.]

Chapter 495D-300 WAC

GRIEVANCE POLICIES AND PROCEDURES— DISCRIMINATION

WAC

| | |
|--------------|-----------------------------------|
| 495D-300-010 | Preamble. |
| 495D-300-015 | Policy statement on disabilities. |
| 495D-300-020 | Informal procedure. |
| 495D-300-030 | Formal procedure. |
| 495D-300-040 | Other remedies. |

WAC 495D-300-010 Preamble. Lake Washington Technical College is covered by the Age Discrimination in Employment Act, Titles VII and IX of the Civil Rights Act of 1964, by section 504 of the Rehabilitation Act of 1974, chapter 49.60 RCW, and the Americans With Disabilities Act. The college prohibits discrimination on the basis of race, color, religion, marital status, age, handicap/disability, national origin, sex, sexual orientation, sexual harassment, or any other unlawful basis. Any applicant for admission, enrolled student, applicant for employment, or employee of Lake Washington Technical College who believes she/he has been discriminated against may lodge an institutional grievance by following the procedures below.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-300-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-015 Policy statement on disabilities. Students with documented disabilities as defined in PL 101-336 who meet admission qualifications will be provided reasonable accommodation. Accommodations may be made in the style of instructional delivery, method of evaluation, or curricular aides. The college will not lower the standard measurement of competency for the certificate of merit or the standards for a degree.

Specific support services and auxiliary aids will be determined prior to registration. State vocational rehabilitation agencies or common school districts charged with providing support to handicapped students will retain primacy of responsibility for necessary auxiliary aids.

Lake Washington Technical College encourages all students to achieve the highest level of skill development possible, as well as to achieve the ability to function independently in the workplace. Therefore, accommodations will be provided on a decreasing basis to the extent that the student's reasonable requirements diminish as the student becomes increasingly successful in training and nears job placement.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-300-015, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-020 Informal procedure. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer, or coordinator for disabled student services for grievances related to handicap/disability, without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-300-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-030 Formal procedure. Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will ordinarily be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation, although the college reserves all rights to take appropriate corrective measures regardless of actions of the complainant.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the complainant and the accused.

(5) The affirmative action officer will make a written report and/or recommendation to the appointing authority or appropriate disciplinary authority within a reasonable time following the close of the investigation or meeting. An informal meeting may be substituted for investigation if the complainant and the accused agree.

(6) Appropriate corrective measures, if any, will be decided by the appointing disciplinary authority upon consultation with the affirmative action officer and the appropriate administrators and consistent with applicable bargained agreement provisions and state statutes. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through any available faculty or classified grievance procedures, if they are covered by a bargained agreement, or the student disciplinary code.

(7) In the absence of an applicable grievance procedure under a collective bargaining agreement, the accused

employee or student may, within thirty days of the corrective measure(s), file with the executive vice-president for instruction or vice-president for administrative services a written request for adjudication. That vice-president shall meet with the employee or student to determine whether the matter should be heard as a regular or brief adjudicative proceeding. That vice-president shall be the presiding officer for the proceeding.

(8) The presiding officer may affirm, modify, or reverse the corrective measure(s).

(9) The decision of the presiding officer shall be final unless, within twenty-one days after it is served, a party files with the president a written request for administrative review or the president or designee decides to conduct such review.

(10) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-300-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-040 Other remedies. These procedures outlined in WAC 495D-300-010 through 495D-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

[Statutory Authority: RCW 28B.50.140. 92-15-081, § 495D-300-040, filed 7/16/92, effective 8/16/92.]

Chapter 495D-325 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

WAC

495D-325-010 Implementation of State Environmental Policy Act.

WAC 495D-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Lake Washington Technical College District 26 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 131-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

[Statutory Authority: RCW 28B.50.140. 03-01-070, § 495D-325-010, filed 12/12/02, effective 1/12/03; 92-15-081, § 495D-325-010, filed 7/16/92, effective 8/16/92.]