

Title 132N WAC

COMMUNITY COLLEGES—CLARK COLLEGE

Chapters

<p>132N-10 132N-108 132N-120 132N-122 132N-128 132N-150 132N-156 132N-160 132N-276 132N-300 132N-400</p>	<p>State Environmental Policy Act guidelines. Procedure. Code of student conduct. Withholding services for outstanding debts. Faculty tenure. College facilities. Parking and traffic rules and regulations. Administration. Public records. Grievance procedure—Discrimination. Loss of eligibility—Student athletic participation.</p>
--	---

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 132N-20 CODE OF STUDENT CONDUCT

<p>132N-20-010 132N-20-020 132N-20-030 132N-20-040 132N-20-050 132N-20-060 132N-20-070 132N-20-080 132N-20-090</p>	<p>Student responsibilities and standards of conduct. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-010, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Authority. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-020, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Summary action. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-030, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Student participation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-040, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Violations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-050, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Disciplinary hearing procedures. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-060, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Committee on student conduct. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-070, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Forms of disciplinary action. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-080, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Procedure for summary suspension. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 88-16-068 (Order 88-01), § 132N-20-090, filed 8/2/88.] Repealed by 97-17-013, filed 8/8/97, effective 9/8/97. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p>
--	---

Reviser's note: Later promulgation, see chapter 132N-120 WAC.

Chapter 132N-144 RENTAL REGULATIONS

<p>132N-144-010 132N-144-020</p>	<p>Board policy statement—Rental regulations (campus facilities). [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-044 (Order 79-03, Resolution No. 79-03), § 132N-144-010, filed 10/15/79; Order 77-3-b, § 132N-144-010, filed 8/29/77.] Repealed by 02-04-068, filed 1/31/02, effective 3/3/02. Statutory Authority: RCW 28B.50.140.</p> <p>Administrative procedures—Rental regulations (campus facilities). [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-044 (Order 79-03, Resolution No. 79-03), § 132N-144-020, filed 10/15/79; Order 77-3-b, § 132N-144-020, filed 8/29/77.] Repealed by 02-04-068, filed 1/31/02, effective 3/3/02. Statutory Authority: RCW 28B.50.140.</p>
---	--

Chapter 132N-168 SUSPENDED OPERATIONS

<p>132N-168-010 132N-168-020</p>	<p>Board policy statement—Suspended operations—Civil service employees. [Order 77-3-a, § 132N-168-010, filed 8/29/77.] Repealed by 91-19-018, filed 9/9/91, effective 10/10/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p> <p>Administrative procedures—Suspended operations—Civil service employees. [Order 77-3-a, § 132N-168-020, filed 8/29/77.] Repealed by 91-19-018, filed 9/9/91, effective 10/10/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.</p>
---	--

Chapter 132N-10 WAC STATE ENVIRONMENTAL POLICY ACT GUIDELINES

WAC

<p>132N-10-010</p>	<p>Environmental protection policy.</p>
--------------------	---

WAC 132N-10-010 Environmental protection policy.

(1) It shall be the policy of Clark Community College District No. 14 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

(2) In compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

[Order 76-2, § 132N-10-010, filed 1/26/77.]

Chapter 132N-108 WAC PROCEDURE

WAC

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

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

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

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

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

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

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

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

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

sions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

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

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

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

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

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

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

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

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

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

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

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

Chapter 132N-120 WAC

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

WAC

132N-120-010	Code of student conduct.
132N-120-020	Authority.
132N-120-030	Definitions.
132N-120-040	Jurisdiction.
132N-120-050	Student rights.
132N-120-060	Student responsibilities.
132N-120-065	Denial of access to Clark College.
132N-120-070	Disciplinary action.
132N-120-080	Initial disciplinary proceedings.
132N-120-090	Appeals.
132N-120-100	Committee on student conduct.

132N-120-110	Adjudicative proceedings before the committee on student conduct.
132N-120-120	Recordkeeping.
132N-120-130	Evidence admissible in hearings.
132N-120-140	Initial order—Petition for administrative review—Final order.
132N-120-150	Summary action.
132N-120-160	Suspension for failure to appear.
132N-120-170	Appeals from summary suspension hearing.
132N-120-180	Final decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington state Community College District No. 14,

(2009 Ed.)

and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

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

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

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

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

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

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

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

(17) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending Clark College.

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

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

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

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

(a) Possible prosecution under the state criminal law;

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

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

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

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

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

WAC 132N-120-050 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

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

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

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

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

(2) Due process.

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

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

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

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

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

(1) Personal offenses.

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

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

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

(d) Illegal assembly, obstruction, or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, and the educational and administrative func-

tions of the college, or the private rights and privileges of others.

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

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

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

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

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

(2) Property offenses.

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

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

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

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

(3) Status offenses.

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

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

(c) Refusal to provide identification. Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any col-

lege employee in the lawful discharge of said employee's duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) **Disciplinary penalties for hazing.**

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

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

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

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

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

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

WAC 132N-120-080 Initial disciplinary proceedings.

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

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

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

- (a) Terminate the proceedings and exonerate the student;
- (b) Dismiss after counseling; or
- (c) Impose disciplinary sanctions from WAC 132N-120-070.

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

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

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

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

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

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

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

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

- (a) A procedural error which materially affected the decision;
- (b) New evidence not previously available which would have materially affected the decision;
- (c) The decision was not supported by substantial evidence; or
- (d) The severity or appropriateness of the sanction(s).

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

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

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

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

(2) The committee shall include:

- (a) Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);
- (b) Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);

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

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

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

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

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

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

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

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

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

(4) The student shall be entitled to:

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

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

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

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

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

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

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

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

(2009 Ed.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be trans-

[Title 132N WAC—p. 7]

mitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).

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

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

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

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

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

(a) Has committed a felony; or

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

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

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

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

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

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

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

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

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

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

WAC 132N-120-160 Suspension for failure to appear. The dean of students is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-

150 and fails to appear at the time designated for the summary suspension proceeding.

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

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

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

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

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

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

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

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

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

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

Chapter 132N-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

WAC

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

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

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

WAC 132N-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due the college from the requesting person, the college shall notify the person by certified mail that the services will not be provided since there is an outstanding debt due. The person

shall be told that until the debt is satisfied, no such services as are requested will be provided. If the outstanding debt is due the college from an employee, the college shall notify the employee by certified mail addressed to the employee's last known address of the debt owed to the college, the basis of the debt, and the intent to offset it against the wages or other payments due to the employee.

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

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

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

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

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

**Chapter 132N-128 WAC
FACULTY TENURE**

WAC

132N-128-122 General statement of policy.

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

132N-128-010 Purpose. [Order 74-6, § 132N-128-010, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-020 Definitions. [Order 76-3, § 132N-128-020, filed 2/18/77; Order 74-6, § 132N-128-020, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-030 Selection of the tenure review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 78-10-068 (Order 78-01, Resolution No. 78-01), § 132N-128-030, filed 9/27/78; Order 76-3, § 132N-128-030, filed 2/18/77; Order 74-6, § 132N-128-030, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-040 Duties of tenure review committee. [Order 76-3, § 132N-128-040, filed 2/18/77; Order 74-6, § 132N-128-040, filed 5/23/74.] Repealed by 91-23-004, filed

11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-050 Dismissal for cause. [Order 74-6, § 132N-128-050, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-060 Selection of review committee—Dismissal for sufficient cause. [Order 76-3, § 132N-128-060, filed 2/10/77; Order 74-6, § 132N-128-060, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-070 Dismissal for sufficient cause. [Order 76-3, § 132N-128-070, filed 2/18/77; Order 74-6, § 132N-128-070, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-080 Procedures. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-080, filed 7/27/87; Order 74-6, § 132N-128-080, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-085 Reduction in force units. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-085, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-090 The need for reduction in force. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-090, filed 7/27/87; Order 77-2, § 132N-128-090, filed 5/5/77; Order 74-6, § 132N-128-090, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-100 Specific implementation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-100, filed 7/27/87; Order 77-2, § 132N-128-100, filed 5/5/77; Order 74-6, § 132N-128-100, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-110 Reduction in force review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-110, filed 7/27/87; Order 76-3, § 132N-128-110, filed 2/18/77; Order 74-6, § 132N-128-110, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-112 Hearing officer—Appointment. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-112, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-114 Hearing officer—Duties. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-114, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-116 Responsibilities of review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-116, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-118 Final decision by the board of trustees. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-118, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-128-120 Reemployment and other considerations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-120, filed 7/27/87; Order 74-6, § 132N-128-120, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

WAC 132N-128-122 General statement of policy. It is the policy of the board of trustees of Washington Community College District No. 14 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the negotiated agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 91-23-004, § 132N-128-122, filed 11/7/91, effective 12/8/91.]

Chapter 132N-150 WAC COLLEGE FACILITIES

WAC

132N-150-010	General—Use of college facilities.
132N-150-020	Nondiscrimination.
132N-150-030	Administrative control.
132N-150-040	Reservations/fees.
132N-150-050	Responsibility/hold harmless.
132N-150-060	Proof of insurance.
132N-150-070	Occupancy.
132N-150-080	Student occupancy and use.
132N-150-090	Commercial use/solicitation.
132N-150-100	Bulletin boards.
132N-150-110	Campus building exteriors/promotional materials and banners.
132N-150-120	Responsibility for personal property.
132N-150-130	Alcohol consumption.
132N-150-140	Food and beverages.
132N-150-150	Children on campus.
132N-150-160	Animals on campus.
132N-150-170	Climbing on college buildings.
132N-150-180	Electronic devices.
132N-150-190	Fireworks.
132N-150-200	Overnight use.
132N-150-210	Temporary structures.
132N-150-220	Recreational devices.
132N-150-230	Smoking.
132N-150-240	Weapons on campus.
132N-150-250	Denial/revocation.
132N-150-260	Denial/trespass.
132N-150-270	Violation and/or termination of facilities use agreement.
132N-150-280	Appellant process.

WAC 132N-150-010 General—Use of college facilities. The college is committed to providing quality educational and cultural services to the college district. On this basis, college facilities are made available for use by organizations conducting educational, cultural, civic, or community activities. College-related activities of public educational, cultural, civic, or community service nature are given first priority consideration for the use of college facilities.

College facilities may be rented by for-profit, private, or not-for-profit entities, provided that the activity does not conflict with college functions and that charges reflecting the full cost of the facility usage are paid.

College facilities may not be used in ways that interfere with the college's teaching, research, public service, or support programs; conflict with published rules or regulations; or interfere with the flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-010, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-020 Nondiscrimination. The college reserves the right to deny an application by any group, organization, or individual that discriminates in membership or

limits participation in a manner inconsistent with the college's nondiscrimination policy.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-020, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-030 Administrative control. The board of trustees delegates to the president authority to establish policies and procedures for proper review and approval of the use of college facilities, to establish regulations governing such use, and to establish and revise fee schedules for facilities use. Such policies and procedures may include, but are not limited to, building security, advertising or promotion, signage, use of bulletin boards and display racks, and the sale or distribution of retail and public information materials.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-030, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-040 Reservations/fees. Reservations/fees and financial arrangements are made through the facilities use office and are not final until approved by that office. Exemptions to the published rental fee schedule may be authorized by the president or designee, if deemed to be in the best interests of the college, its faculty, staff, or students.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-040, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-050 Responsibility/hold harmless. All groups using college facilities must identify one person or representative who is legally responsible for theft, damage, or claims to college equipment and/or facilities. This representative must report any damage or claims to the facilities use office.

Permission to use college facilities is with the express understanding and condition that the individual or organization assumes full responsibility for any loss, damage, or claims resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-050, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-060 Proof of insurance. When an event in or on college facilities or grounds involves physical activity, or otherwise increases the risk of bodily injury above the level inherent in the facility to be used, the college may require users to furnish proof of liability insurance naming the college as an additional insured, with limits of not less than one million dollars per occurrence, prior to approval for the requested use.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-060, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-070 Occupancy. At no time may the occupancy of a college facility exceed the maximum occupancy as defined by the fire marshal; the fire, life, and safety code; or as posted by the college.

Building occupants are required to comply with all fire, health, and safety rules and regulations. When a building is

occupied, required exits and aisles may not be blocked or rendered inoperable.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-070, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-080 Student occupancy and use. Students have the right of access to college facilities, subject to ordinary schedules, regulations, and administrative procedures governing each facility. When using college facilities, students have the responsibility to respect regulations and to comply with the spirit and intent of facilitating the educational purposes of the college. Students are subject to WAC 132N-120-065, Denial of access to Clark College.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-080, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-090 Commercial use/solicitation. The use of college grounds or facilities for commercial or private gain is prohibited except where commercial activity, such as the sale of books, instructional supplies, or food, directly supports an instructional program or purpose or where limited sale is specifically authorized by written permission of the president or designee for the benefit of an approved college activity.

The distribution of materials on college property is subject to reasonable limitations as to time, place, and manner that are consistent with applicable federal and state law. Material that contains or constitutes unprotected speech or expression is not permitted on college property.

Solicitation in or on college-owned or college-operated facilities is expressly prohibited (unless at the specific request of the person or group being solicited) except by written permission of the president or designee, or when conducted pursuant to a contract, lease, or other formal arrangement with the college.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-090, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-100 Bulletin boards. The college intends bulletin boards to be an effective means of communicating to students and employees important information from the college, college organizations, or public agencies serving students. Bulletin boards are not ordinarily to be used for commercial advertising.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-100, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-110 Campus building exteriors/promotional materials and banners. Hanging signs, banners, or flyers on campus building exteriors and grounds, or otherwise marking campus surfaces for advertising or promotion, is prohibited. The facilities use office may authorize the use of outside banners at specified locations.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-110, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-120 Responsibility for personal property. The college is not responsible for loss or damage to personal property brought onto the campus.

(2009 Ed.)

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-120, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-130 Alcohol consumption. Consumption of alcoholic beverages in or on college-owned or college-operated facilities is expressly prohibited unless approved by the president or designee.

All groups qualifying for use of alcoholic beverages must adhere to the rules and regulations set forth by the Washington state liquor control board and the Clark College board of trustees.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-130, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-140 Food and beverages. Consumption of food and beverages may be prohibited in or on certain college facilities or grounds at the option of the administration.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-140, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-150 Children on campus. Other than usage associated with the college's services for children and families and other specific college-sponsored programs for children, the general policy of the college is that its facilities are not available for unrestricted usage by children under sixteen years of age. In no cases are children permitted in college-owned or college-operated facilities (including the library, food services areas, lounges, and study areas) without supervision by an adult.

Children are not to be left unattended on campus grounds or in vehicles.

Children are permitted in classrooms only with the specific approval of the faculty member responsible for the class, on an emergency basis and for a specified, limited period of time.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-150, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-160 Animals on campus. All animals (other than laboratory animals) on campus must be under the immediate physical control of the owner at all times, e.g., on leash or carried. Animals cannot be tied to buildings or fixtures, left unattended, or permitted to run at large on campus. Animals must remain outside campus buildings, with the exception of guide or service dogs and laboratory animals. Large animals are not allowed on campus grounds unless specifically approved by the president. A formal complaint may be filed with Clark County animal control authorities against violators of these rules.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-160, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-170 Climbing on college buildings. College buildings, structures, and grounds may not be used for climbing, rappelling, jumping, or other such activities.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-170, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-180 Electronic devices. Radio transmitters, bull horns, amplifiers, and other electronic devices

that disrupt college programs or operations are prohibited on college property.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-180, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-190 Fireworks. The use or discharge of fireworks as defined in RCW 70.77.126, Definitions—"Fireworks," is prohibited on or in facilities and grounds owned or operated by the college except in limited areas designated by the president or designee.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-190, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-200 Overnight use. No person shall remain overnight on or in college property or facilities without the express written permission of the president or designee. This policy does not apply to employees specifically directed by their supervisors to work a graveyard shift. Individuals remaining on or in college property or facilities overnight must contact the security/safety office.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-200, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-210 Temporary structures. The erection of tents, awnings, canopies, or similar structures must be cleared with the security/safety office.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-210, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-220 Recreational devices. The use of skateboards, snowmobiles, roller skates, snow sleds, snow boards, scooters, roller blades, and other recreational devices that present a safety hazard or have the potential to damage college property is prohibited.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-220, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-230 Smoking. The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by the college. The use of other tobacco products, such as smokeless or chewing tobacco, in college facilities is also prohibited. In addition, smoking is prohibited at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-230, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-240 Weapons on campus. Weapons, unless otherwise permitted by law, are not permitted on the college campus, at any other facilities leased or operated by the college, or at any activity under the administration or sponsorship of the college.

Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer or campus security officer.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-240, filed 1/31/02, effective 3/3/02.]

[Title 132N WAC—p. 12]

WAC 132N-150-250 Denial/revocation. The college reserves the right to deny any application or to revoke any rental agreement at any time if actions resulting from the application or permission constitute unlawful activity or, in the judgment of the administration, present imminent danger or unlawful activity; or if a prospective user has previously violated the provisions of rules and regulations of the college; or if activities, in the judgment of the president or designee, conflict with, directly compete with, or are incompatible with the programs or mission of the college.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-250, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-260 Denial/trespass. When faced with a situation that he/she judges to be disruptive to the order of the college, to impede the movement of persons or vehicles, or to interfere with the ingress and/or egress of persons from college facilities, the president or designee has the authority to: Advise individuals or groups of the specific nature of any violation; request such individuals to leave college premises; or prohibit the entry or withdraw the license, privilege, or permit of any individual or group to enter or remain in or on any portion of a college facility. Individuals who persist in disruptive or unlawful conduct or remain upon college premises will be subject to arrest under chapter 9A.52 RCW, Burglary and trespass.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-260, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-270 Violation and/or termination of facilities use agreement. The college, at its discretion, has the right to cancel and terminate a contract or revoke any permit for facilities use immediately and without notice upon its discovery of a violation of any term, condition, or provision listed within college procedures. Individuals in violation will be advised of the specific nature of the violation. If they persist in the violation, they will be requested to leave college property. Failure to comply with the request to leave may subject such individuals to arrest under provisions of the criminal trespass statute or other applicable laws and civil sanctions.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-270, filed 1/31/02, effective 3/3/02.]

WAC 132N-150-280 Appellant process. A facilities use decision may be appealed to the vice-president of administrative services. This section applies only if a specific appeal procedure has not otherwise been provided, e.g., chapter 132N-156 WAC, Parking and traffic rules and regulations, or chapter 132N-120 WAC, Code of student conduct.

Upon receipt of an appeal, the vice-president will conduct a brief adjudicative proceeding.

[Statutory Authority: RCW 28B.50.140. 02-04-068, § 132N-150-280, filed 1/31/02, effective 3/3/02.]

**Chapter 132N-156 WAC
PARKING AND TRAFFIC RULES AND
REGULATIONS**

WAC

INTRODUCTION

132N-156-300
132N-156-310
132N-156-320
132N-156-330

Purpose.
Authority.
Definitions.
Liability of the college.

TRAFFIC REGULATIONS

132N-156-400
132N-156-410
132N-156-420
132N-156-430
132N-156-440
132N-156-450
132N-156-460

Authorized use of facilities.
Vehicle speed limitations.
Regulatory signs and directions.
Pedestrian right of way.
Traffic accidents.
Traffic offenses.
Bicycles and nonvehicular transportation usage.

PARKING FACILITY USAGE

132N-156-500
132N-156-510
132N-156-520
132N-156-530
132N-156-540
132N-156-550
132N-156-560
132N-156-570
132N-156-580

Allocation of parking space.
Designated and assigned parking.
Parking within designated areas.
Impounding of disabled/abandoned vehicles.
Registered owner responsibility for illegal parking.
Illegal parking.
Hazardous parking.
Bicycle parking.
Damage to state property.

PERMITS

132N-156-600
132N-156-610
132N-156-620
132N-156-630
132N-156-635
132N-156-640
132N-156-645
132N-156-650

Faculty and staff parking permits.
Permit parking on campus.
Fees for parking permits.
Parking fee payment.
Additional permits.
Temporary parking permits.
Guest parking permits.
Revocations.

ENFORCEMENT

132N-156-700
132N-156-710
132N-156-720
132N-156-730
132N-156-740
132N-156-750
132N-156-760

Policy.
Payment of fines.
Reduction in fines.
Appeals.
Security/parking advisory committee.
Unpaid fines.
Special circumstances.

RESERVED PARKING

132N-156-800
132N-156-810

Policy.
Process.

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

132N-156-010
132N-156-015
132N-156-020
132N-156-025

Board policy statement—Parking and traffic regulations. [Order 77-3c, § 132N-156-010, filed 8/29/77.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Preamble. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-015, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Administrative procedures—Parking and traffic regulations. [Order 77-3c, § 132N-156-020, filed 8/29/77.] Repealed by 79-11-042 (Order 79-01, Resolution No. 79-01), filed 10/15/79. Statutory Authority: Chapters 28B.10 and 28B.50 RCW.
Board policy statement—Parking and traffic regulations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-025, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

132N-156-030
132N-156-035
132N-156-040
132N-156-045
132N-156-050
132N-156-055
132N-156-060
132N-156-065
132N-156-070
132N-156-075
132N-156-080
132N-156-085
132N-156-090
132N-156-095

Purpose. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-030, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Purpose. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-035, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Authority. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-040, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Regulatory signs and directions. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-045, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Liability of Clark College. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-050, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Pedestrian right of way. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-055, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Regulatory signs and directions. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-060, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Speed limitations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-065, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Pedestrian right of way. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-070, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Permit parking on campus. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-075, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Speed limitations. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-080, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Fees for permits. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-085, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Allocation of parking spaces. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-090, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
Designated and assigned parking. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-095, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

- 132N-156-100 Permit parking on campus. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-100, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-105 Allocation of parking spaces. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-105, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-110 Designated and assigned parking. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-110, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-115 Motorcycle and scooter parking. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-115, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-120 Parking within designated areas. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-120, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-125 Visitor and guest parking. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-125, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-130 Special circumstances. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-130, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-135 Prohibitions. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-135, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-140 Exemptions from permit requirements. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-140, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-145 Impounding of disabled/inoperative vehicles. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-145, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-150 Motorcycle and scooter parking. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-150, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-155 Enforcement. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-155, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-160 Prohibitions. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-160, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-165 Violations of the following traffic and parking rules will be cited. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-165, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-170 Impounding of disabled/abandoned vehicles. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-170, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-175 Payment of fines. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-175, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-180 Enforcement. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-180, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-185 Appeals. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-185, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-190 Appeals. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-190, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-195 Unpaid fines. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-195, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-200 Unpaid fines. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-200, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-205 Revocations. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 82-07-031 (Order 82-01, Resolution No. 82-01), § 132N-156-205, filed 3/12/82.] Repealed by 87-19-103 (Order 87-02, Resolution No. 87-02), filed 9/18/87. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-156-210 Revocations. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 79-11-042 (Order 79-01, Resolution No. 79-01), § 132N-156-210, filed 10/15/79.] Repealed by 82-07-031 (Order 82-01, Resolution No. 82-01), filed 3/12/82. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

INTRODUCTION

WAC 132N-156-300 Purpose. The parking and traffic rules and regulations contained herein provide a fair and uniform method of regulating college vehicular, nonvehicular, and pedestrian traffic and are based on the following objectives:

- (1) To protect and control vehicular, nonvehicular, and pedestrian traffic.
- (2) To assure access for emergency equipment at all times.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the college by assuring access for college vehicles and by assigning the limited parking spaces to the most efficient use.
- (5) To protect college facilities.

Permission to park or operate a vehicle on college property is governed by these regulations. The purchase of a per-

mit for designated parking does not ensure the regular availability of a parking space.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-300, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-300, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-300, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-300, filed 9/18/87.]

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

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

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

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

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

Compliance with these rules and regulations is considered a standard part of job performance for all employees. Failure by faculty or staff of the college to abide by these rules and regulations may result in disciplinary action or other authorized sanctions.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-310, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-310, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-310, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-310, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-310, filed 9/18/87.]

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

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

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

Impoundment - Removal of a vehicle to a storage facility.

Pedestrian - Any person afoot or who is using a wheelchair, including powered wheelchairs commonly used by the disabled or infirm, or a means of conveyance propelled by human power other than a bicycle.

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

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

Nonvehicular modes of transportation - Nonvehicular transportation devices shall include, but not be limited to,

(2009 Ed.)

skateboards, snowmobiles, roller skates and roller blades, snow sleds, and scooters.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-320, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-320, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-320, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-320, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-320, filed 9/18/87.]

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

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

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-330, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-330, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-330, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-330, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-330, filed 9/18/87.]

TRAFFIC REGULATIONS

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

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

WAC 132N-156-410 Vehicle speed limitations. No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-410, filed 9/18/87.]

WAC 132N-156-420 Regulatory signs and directions.

Drivers of vehicles shall obey regulatory signs and markings at all times and shall comply with directions given by security officers in the control and regulation of traffic and parking.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-420, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-420, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-420, filed 9/18/87.]

WAC 132N-156-430 Pedestrian right of way. The operator of a vehicle shall yield the right of way, slowing down or stopping if need be, to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a marked crosswalk.

Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the yielding vehicle.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-430, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-430, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-430, filed 9/18/87.]

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

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-440, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-440, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-440, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-440, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-440, filed 9/18/87.]

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

- (1) Failure to yield right of way (posted).
- (2) Failure to yield right of way to pedestrian.
- (3) Failure to yield right of way to vehicle.
- (4) Failure to obey one-way directional arrows.
- (5) Failure to yield right of way to emergency vehicle.
- (6) Driving with excessive speed.
- (7) Failure to stop at traffic signal/sign.
- (8) Failure to use due care and caution.

(9) Driving without lights after dark.

(10) Having a passenger or animal outside of vehicle while in motion.

(11) Driving with an obstructed view.

(12) Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization.

(13) Disobeying flagger, peace officer, security officer, fire fighter, or other agent of the college.

(14) Damaging college property including, but not limited to, landscape and plant material, curbs, sidewalks, utilities, etc.

(15) Driving while under the influence of intoxicants or with an open container of intoxicants.

(16) Allowing an unattended vehicle to roll, obstruct traffic, or damage property.

All traffic offenses carry a fifty-dollar fine.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-450, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-450, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-450, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-450, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-450, filed 9/18/87.]

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

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

PARKING FACILITY USAGE

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

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

Faculty/staff parking - Faculty, staff and administrators using college-owned or leased parking facilities between 7:00 a.m. and 10:00 p.m. Mondays through Fridays during

fall, winter, and spring quarters are to purchase parking permits.

Faculty/staff parking spaces are marked on the pavement with an F/S. Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking spaces. Faculty/staff parking spaces shall be considered open parking spaces from 10:00 p.m. to 7:00 a.m. and on weekends during fall, winter, and spring quarters, and at all times during summer quarter.

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

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

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

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

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

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-500, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-500, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-500, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-500, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-500, filed 9/18/87.]

WAC 132N-156-510 Designated and assigned parking. Vehicles on college property shall park only in those areas set aside and designated as parking areas. No vehicle shall park in any area requiring a special parking permit without said permit.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-510, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-510, filed 9/18/87.]

WAC 132N-156-520 Parking within designated areas. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been parked so as to require a vehicle attempting to park to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this rule.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-520, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-520, filed 9/18/87.]

WAC 132N-156-530 Impounding of disabled/abandoned vehicles. No disabled or inoperative vehicle shall be parked on college property for a period in excess of twenty-four hours, unless permission is granted by the security/safety office. Vehicles which have been parked in excess of twenty-four hours may be impounded and stored at the expense of either or both the owner or operator thereof. Notice of intent to impound will be posted on the vehicle at least twenty-four hours prior to impoundment unless a vehicle is illegally or hazardedously parked. Neither the college nor college employees shall be responsible for claims, loss or damage of any kind resulting from such impounding and storage.

Vehicles under repair in the college's instructional program must be parked in a designated area and must have an approved "vehicle in repair" notice visibly posted within the vehicle. This includes vehicles upon which service has been completed and which are awaiting pick up by the owners.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-530, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-530, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-530, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-530, filed 9/18/87.]

WAC 132N-156-540 Registered owner responsibility for illegal parking. Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking of said vehicle and for all offenses, other than moving violations, under these regulations. It shall be no defense that said vehicle was illegally parked or used by another, unless it is clearly established that at such time said vehicle was being used without the consent of the registered owner.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-540, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-540, filed 9/18/87.]

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

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

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

- (1) Parking in a faculty/staff parking zone without a valid permit.
- (2) Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours without appropriate permission.

(3) Parking any vehicle in such a manner as to obstruct, impede, hinder, or prevent the use of another parking space. This violation includes, but is not limited to, parking over the line, parking an oversized vehicle in a space too small, allowing part of a vehicle to protrude into another space, and parking too close to another vehicle.

- (4) Parking in a space not designated for parking.
- (5) Parking in an area not authorized.
- (6) Blocking vehicular or pedestrian traffic.
- (7) Parking within fifteen feet of a fire hydrant.
- (8) Parking in a fire lane, sidewalk, or intracampus avenue.
- (9) Parking in a "No Parking" zone.
- (10) Parking on the grass.
- (11) Parking overnight without security office permission and/or permit.
- (12) Parking of a bicycle illegally.
- (13) Parking in physically disabled persons parking zone without an authorized parking permit.
- (14) Use of a vehicle for habitation without permission.
- (15) Illegal use of or failure to display permit.
- (16) Creating a safety hazard in the opinion of the security officer.
- (17) Allowing a vehicle alarm to sound, repeatedly or for an extended period of time (false alarm).

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

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-550, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-550, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-550, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-550, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-550, filed 9/18/87.]

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

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

WAC 132N-156-570 Bicycle parking. Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. At no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, or chained or otherwise secured to trees, lamp standards, utilities, stairway railings, or sign posts. Any bicycle found in

violation of this section may be cited for illegal parking and impounded by the security/safety office without warning.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-570, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-570, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-570, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-570, filed 9/18/87.]

WAC 132N-156-580 Damage to state property. The full cost of repair/replacement of college property damaged by negligent, reckless or intentional acts or omissions must be paid in addition to assessed fines.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-580, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-580, filed 10/7/91, effective 11/7/91.]

PERMITS

WAC 132N-156-600 Faculty and staff parking permits. All college faculty, staff, and administrators using college parking facilities at any time between 7:00 a.m. and 10:00 p.m. Mondays through Fridays during fall, winter, and spring quarters are to purchase and display a valid parking permit. The fact that an employee may be eligible to park in a physically disabled persons parking zone will not relieve the employee of this requirement. A valid faculty/staff parking permit may not, by itself, constitute authority to park in other parking facilities leased or owned by the college.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-600, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-600, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-600, filed 10/4/93, effective 11/4/93. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-600, filed 9/18/87.]

WAC 132N-156-610 Permit parking on campus. The correct parking permit must be properly displayed in accordance with permit instructions.

Temporary parking permits are issued by the security/safety office and must be displayed in accordance with permit instructions.

Parking permits are not transferable and shall not be utilized by any person except the person designated on the parking permit application. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present, imminent danger of unlawful activity, or if a prospective user has previously violated college parking policies or other written rules or regulations. All outstanding college parking fines must be paid before a parking permit will be issued or renewed.

No bailment is created by the sale or issuance of a permit.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-610, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-610, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-610, filed 9/18/87.]

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

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

Current faculty/staff parking permit fees are seven dollars and fifty cents per quarter for one vehicle, and an additional one dollar per quarter for each additional vehicle. Permits are required for fall, winter, and spring quarters. Administrators, exempt staff, permanent classified staff, and tenure-track faculty may purchase permanent permits. Adjunct faculty and temporary classified staff may purchase quarterly permits. Annual permits may be purchased by full-time temporary faculty and adjunct faculty who have received approval from the security/safety manager.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-620, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-620, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-620, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-620, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-620, filed 9/18/87.]

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

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

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

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

WAC 132N-156-640 Temporary parking permits. Any permit holder may obtain a temporary parking permit from the security/safety office for an unregistered vehicle when the registered vehicle is unavailable due to repairs or for another valid reason. These permits are good for a period of two weeks.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-640, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-640, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-640, filed 9/18/87.]

(2009 Ed.)

WAC 132N-156-645 Guest parking permits. College faculty or staff who have invited a guest speaker, lecturer, presenter, or other special guest to the college may apply to the security/safety office for a guest parking permit. A guest parking permit will entitle the holder to park in faculty/staff parking, and to park in visitor parking without registering, in order to facilitate their appearance at the college. Permits will be valid only for the day(s) specified on the permit. Guest parking permits will not be issued for personal guests of college employees or for staff employed by the college on a temporary basis.

Requestors will provide the security/safety office with the name of the guest and the date, time, place, and nature of appearance at the college. Permits may be picked up at the security/safety office, or security/safety can mail the permit directly to the guest. Staff should apply for guest parking permits far enough in advance of the appearance to allow for delivery of the permit.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-645, filed 9/28/00, effective 10/29/00.]

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

- (1) The purpose for which the permit was issued changes or no longer exists.
- (2) The permit is used on an unregistered vehicle or by an unauthorized individual.
- (3) A parking permit application form was falsified.
- (4) These parking regulations were violated.
- (5) The parking permit was counterfeited or altered or transferred without authorization.
- (6) There has been failure to comply with a specific determination, decision, or directive by college officials.

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-650, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-650, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-650, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-650, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-650, filed 9/18/87.]

ENFORCEMENT

WAC 132N-156-700 Policy. The board, or its designee, shall set and approve fair and uniform fines for violations of these rules and shall provide adequate means for the enforcement and/or collection of such fines. If a violation of these rules and regulations is committed, the security/safety office is authorized to issue a citation as prescribed in these rules.

Any violation occurring after the second citation may result in the violator's vehicle being impounded or immobilized and held until all outstanding citations have been paid and/or the loss of parking privileges on college property/facilities.

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-700, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-700, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-700, filed 9/18/87.]

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

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

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

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

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

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-730, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-730, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-730, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-730, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-730, filed 9/18/87.]

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

- (1) Reviewing parking regulations and fees and recommending their adoption.
- (2) Reviewing and recommending changes to parking lot configuration and use to improve quality and quantity of parking on campus.

[Title 132N WAC—p. 20]

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

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

- (a) Vice-president of administrative services, chair.
- (b) Security/safety manager.
- (c) Two faculty members.
- (d) Two classified employees.
- (e) One student.
- (f) Disability support services manager.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-740, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-740, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-740, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-740, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-740, filed 9/18/87.]

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

- (1) A hold may be placed on transcripts.
- (2) Registration for the following quarter may be delayed.
- (3) Parking privileges may be revoked.
- (4) The amount due as a result of fines due and payable may be deducted from paychecks of college employees.
- (5) Outstanding fines may be referred to a collection agency.
- (6) The vehicle may be immobilized or impounded.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid. Immobilization of a vehicle may result in an additional \$20.00 fine.

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

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-750, filed 9/28/00, effective 10/29/00; 97-23-018, § 132N-156-750, filed 11/10/97, effective 12/11/97. Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-750, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-750, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-750, filed 9/18/87.]

WAC 132N-156-760 Special circumstances. During special occasions that result in extraordinary traffic conditions and during emergencies, the security/safety office is authorized to impose special traffic and parking regulations and restrictions to mitigate and reduce the risk of inconvenience, personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be posted. Such authorization is of a temporary nature and should last only as long as the situation necessitates.

(2009 Ed.)

[Statutory Authority: RCW 28B.50.140(10) and chapters 28B.50 and 28B.10 RCW. 93-20-080, § 132N-156-760, filed 10/4/93, effective 11/4/93; 91-21-022, § 132N-156-760, filed 10/7/91, effective 11/7/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-19-103 (Order 87-02, Resolution No. 87-02), § 132N-156-760, filed 9/18/87.]

RESERVED PARKING

WAC 132N-156-800 Policy. College faculty or staff who coordinate special events involving the participation of dignitaries from off-campus may request that parking spaces be reserved for those participants on the day of the event. All requests for reserved parking will be made in writing to the office of the president at least a week in advance. Aside from traffic revisions necessary for construction and maintenance work, the security/safety office will not reserve parking spaces without prior approval from the president's office.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-800, filed 9/28/00, effective 10/29/00.]

WAC 132N-156-810 Process. The requesting party will forward a copy of the approved request to the security/safety manager for implementation. After receiving an approved request, the security/safety manager will contact the requesting party to confirm the details and to assign the reserved spaces. All attempts will be made to accommodate the needs of the participants and the event, but the final decision on the allocation of spaces rests with the security/safety manager.

Reserved spaces will be established only for arrival of participants to the event; no "in and out" areas will be maintained.

On the day of the event, the security/safety office will set up barricades or otherwise designate the reserved spaces. Unless other arrangements are made, it will be the responsibility of the requesting party to provide personnel to meet those individuals authorized to park in the reserved spaces and to remove the barricades to allow them to park. If the requesting party wants to have a security officer staff the parking spaces, they must make prior arrangements for staffing. Security officers will be assigned to such duty only if available, and their time will be charged to the requesting party.

[Statutory Authority: Chapter 28B.50 RCW. 00-20-034, § 132N-156-810, filed 9/28/00, effective 10/29/00.]

Chapter 132N-160 WAC ADMINISTRATION

WAC

132N-160-010	Admissions, registration, tuition and fees, waivers, and graduation.
132N-160-020	Definitions.
132N-160-030	Admissions policy.
132N-160-040	Admission exceptions.
132N-160-050	Residency.
132N-160-060	Tuition and fees, waivers.
132N-160-070	Refunds.
132N-160-080	Graduation.
132N-160-090	Appeals.

WAC 132N-160-010 Admissions, registration, tuition and fees, waivers, and graduation. This policy establishes a standard set of admission, registration, tuition

(2009 Ed.)

and fees, waivers, and graduation practices that are necessary and appropriate for the administration of Clark College.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-010, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-020 Definitions. For the purpose of this code, the following terms are defined:

(1) "Admissions officer" shall mean the designated college administrator for admissions procedures.

(2) "Applicant" shall mean a person seeking admission to Clark College.

(3) "College" shall mean Clark College and any other community college centers or facilities established within Washington State Community College District 14.

(4) "Designee" shall mean a person appointed by an officer or another person designated to perform a function on the appointer's behalf.

(5) "GED" shall mean the General Educational Development Test of the American Council on Education.

(6) "International students" shall mean applicants or students who are not United States citizens and who need F-1 or M-1 visas to attend Clark College.

(7) "Nonresident students" shall mean students who meet the definition according to RCW 28B.15.012(3).

(8) "Persian Gulf veteran" shall mean a veteran of the Persian Gulf who has documented service in a combat zone as defined by the president during 1991, who qualified as a Washington resident as defined by RCW 28B.15.012(2) on August 1, 1990.

(9) "Registrar" shall mean the designated college administrator for registration and records procedures.

(10) "Resident students" shall mean those students who meet criteria defined in RCW 28B.15.012.

(11) "Student," unless otherwise qualified, shall mean and include any person who is an applicant for admission or an enrolled student of Clark College.

(12) "Veteran" shall mean an applicant or student who is eligible to receive Department of Veterans' Affairs educational benefits.

(13) "Veterans of Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, to May 7, 1975, who qualify as Washington residents as defined by RCW 28B.15.012(2).

(14) "Waivers" shall mean those tuition and fee waivers authorized by state law and by the state board for community and technical colleges in accordance with chapter 131-28 WAC and adopted as policy where appropriate by the college board of trustees.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-020, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-030 Admissions policy. (1) Any applicant shall be admitted when he/she:

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

(i) Is a graduate of a high school or the equivalent; or

(ii) Has applied for admission under the provisions of a student enrollment options program such as running start (chapter 392-169, 131-46, and/or 250-79 WAC) or a successor program.

[Title 132N WAC—p. 21]

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

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

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

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

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

(5) The college reserves the ultimate right to determine admission to the college and/or to certain classes.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-030, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-040 Admission exceptions. The following guidelines apply to the admission of those students who do not meet the general admission criteria:

(1) Persons under the age of eighteen who have not earned a diploma from a high school or the equivalent may be admitted to college-level classes and some vocational classes on a space-available basis, except as in subsection (2) of this section.

(2) Persons who meet the requirements of the running start program (chapter 392-169, 131-46, and/or 250-79 WAC) may enroll in most college-level classes and selected vocational classes if such classes have student spaces open at the time of running start registration. Students must meet program eligibility requirements and deadlines to participate.

(3) Students age sixteen and over who meet the provisions of "Title III - Adult Education Programs" (Adult Education Act, 20 U.S.C. secs. 1201 et seq.) may enroll in certain basic education classes. Persons admitted into such classes (basic skills, academic support, and/or remedial) will be allowed to continue as long as they demonstrate, through measurable academic progress, an ability to benefit.

(4) Applicants in subsections (1), (2), and (3) of this section, above, must demonstrate sufficient maturity and academic ability or skill to compete with college students. Applicants under the age of sixteen may be required to follow the designated college procedures for admission.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-040, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-050 Residency. (1) Students who meet the definition of resident students according to RCW 28B.15.012(2) shall be classified as resident students. Students not eligible for residency classification will be classified as nonresident students.

(2) Students who have questions about their classification must complete a residency questionnaire and submit the

necessary documentation to the college admissions officer. The college admissions officer will review the questionnaire and will notify the student in writing of the decision within one week.

(3) Students are responsible for registering under the proper residency classification.

(4) Appeals to residency classification will be reviewed by the vice-president of student services, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-050, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-060 Tuition and fees, waivers. (1) Tuition is based on residency requirements (WAC 132N-160-050) and upon chapter 28B.15 RCW, College and university fees. Tuition is set by the Washington state legislature and subject to change. The current tuition fee schedule is listed in the quarterly class schedule.

(2) Some course enrollments may also require payment of lab or course fees in addition to or instead of tuition. These fees cover costs such as those associated with consumable supplies, computer software upgrading, and technical lab assistance.

(3) Clark College may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC.

(a) Information regarding specific waivers will be available in the schedule of classes and from the registration office.

(b) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college registrar, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-060, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-070 Refunds. Refunds resulting from official withdrawal from courses will be computed as follows for state supported courses:

(1) First-time students receiving federal financial aid who officially withdraw from classes shall be provided a *pro rata* refund in accordance with federal guidelines.

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

(a) One hundred percent of the amount paid if an official withdrawal form is received in the registration office during the first five business days of the quarter (Monday through Friday).

(b) One hundred percent of the amount paid for a course canceled by the college.

(c) Fifty percent of the total amount paid if an official withdrawal form is received in the registration office between the sixth business day and the twentieth calendar day of the quarter.

(3) No refund will be made after the twentieth calendar day of the quarter. Exceptions may be made for students inducted into military service or for medical or emergency reasons.

(4) Refunds for summer quarter, late starting, and condensed courses will be determined by the registrar in keeping with a prorated schedule of the college's regular refund policy.

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

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

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-070, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-080 Graduation. (1) Students may complete their degree under the requirements set forth in any catalog issued during their attendance at Clark College. No catalog will be valid for more than seven years. Any student not enrolled for two years or more must complete the requirements of the catalog in effect at the time of reentry or later enrollment.

(2) To qualify for more than one degree, a student must complete all requirements for the first degree and complete all specific program requirements for the additional degree.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-080, filed 7/12/99, effective 8/12/99.]

WAC 132N-160-090 Appeals. (1) Students have the right to appeal admission, registration, waiver, refund, and graduation decisions. All appeals must be submitted in writing within two quarters of the initial decision. Students are entitled to two levels of appeal:

(a) Admission decisions are appealed at the first level to the college admissions officer and at the second level to the vice-president of student services or, in the case of applicants under the age of sixteen, to the vice-president of instruction.

(b) Registration, waivers, and tuition and fee decisions are appealed at the first level to the registrar and at the second level to the vice-president of student services.

(c) Decisions regarding issuing of degrees, certificates, or diplomas are appealed at the first level to the academic standards committee and at the second level to the vice-president of student services.

(2) The student must initiate an appeal at the first level. If the student is not satisfied with the appeal at the first level, he/she may submit an appeal at the second level.

(3) Appeals to admissions, registration, waiver, tuition and fee determinations will be reviewed by the vice-president of student services, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494. The results of a second level appeal are final.

(4) Students may expect a written response to an appeal within ten working days.

[Statutory Authority: RCW 28B.50.140. 99-15-017, § 132N-160-090, filed 7/12/99, effective 8/12/99.]

Chapter 132N-276 WAC PUBLIC RECORDS

WAC

132N-276-005	Board policy statement—Public records.
132N-276-010	Administrative procedures—Purpose.
132N-276-020	Definitions.
132N-276-030	Description of central and field organization of the college.

(2009 Ed.)

132N-276-040	Operations and procedures.
132N-276-050	Public records available.
132N-276-060	Public records officer.
132N-276-070	Office hours.
132N-276-080	Requests for public records.
132N-276-090	Copying.
132N-276-100	Exemptions/exceptions.
132N-276-110	Review of denials of public records requests.
132N-276-120	Protection of public records.
132N-276-130	Records index.
132N-276-140	Adoption of form.
132N-276-150	Appendix A—Form—Request for public record(s).

WAC 132N-276-005 Board policy statement—Public records. The college shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures. The board delegates to the president or designee the responsibility to appoint a public records officer who shall administer the process.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-005, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-005, filed 8/29/77.]

WAC 132N-276-010 Administrative procedures—Purpose. The purpose of this section shall be to ensure compliance by the college with the provisions of the state law dealing with public records.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-010, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-010, filed 8/29/77.]

WAC 132N-276-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, disks, drums and other documents.

(3) Community College District 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. Community College District 14 shall hereinafter be referred to as the "college." Where appropriate, the term "board" refers to the board of trustees of the district.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-020, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-020, filed 8/29/77.]

WAC 132N-276-030 Description of central and field organization of the college. The college is a community college district organized under RCW 28B.50.040. The administrative office of the college and its staff are located at Clark College, 1800 E. McLoughlin Blvd., Vancouver, WA 98663-3598.

[Title 132N WAC—p. 23]

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-030, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-030, filed 8/29/77.]

WAC 132N-276-040 Operations and procedures. The college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The board usually meets once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the board may not meet at all in a particular calendar month. At such time the trustees exercise the power and duties granted them under law.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-040, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-040, filed 8/29/77.]

WAC 132N-276-050 Public records available. All public records of the college, as defined in WAC 132N-276-020 are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 42.17.315, 42.17.260(1), and WAC 132N-276-100.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-050, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-050, filed 8/29/77.]

WAC 132N-276-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the president. The person so designated is the dean of administrative services of the college. The public records officer shall be responsible for the implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-060, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-060, filed 8/29/77.]

WAC 132N-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purpose of this section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding college holidays.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-070, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-070, filed 5/31/89; Order 77-3 d, § 132N-276-070, filed 8/29/77.]

WAC 132N-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or cop-

ies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing by completing a request for public records form which is available at administrative services. The form shall be presented to the public records officer during customary office hours or mailed to:

Administrative Services
Clark College
1800 E. McLoughlin Blvd.
Vancouver, WA 98663-3598

The request shall include the following information:

(a) The name of the person requesting the records or, alternatively, how the request should be directed.

(b) The time of day and calendar date of the request.

(c) The nature of the request.

(d) If the matter requested is referenced within an index maintained by the public records officer, a reference to the requested records as described in such index.

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

(2) The public records officer shall reply to written requests within five business days of receipt of the request by either:

(a) Providing copies of the requested records;

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request should be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

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

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-080, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-080, filed 5/31/89; Order 77-3 d, § 132N-276-080, filed 8/29/77.]

WAC 132N-276-090 Copying. No fee shall be charged for the inspection of public records. The college will charge a fee of ten cents per page of copy for providing copies of public records. This charge is the amount necessary to reimburse the college for its actual costs arising from such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college will provide copies at a rate sufficient to cover any additional costs. All fees must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-090, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-090, filed 8/29/77.]

WAC 132N-276-100 Exemptions/exceptions. (1) The college reserves the right to determine that public records requested in accordance with the procedures outlined in WAC 132N-276-080 are exempt under the provisions of RCW 42.17.310, 42.17.315, 42.17.260(1).

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public records in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will fully justify such deletion in writing.

(3) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-100, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-100, filed 8/29/77.]

WAC 132N-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying public records, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or designee shall consider the college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

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

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying,

the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of Attorney General
Public Records Review
P.O. Box 40100
Olympia, Washington 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-110, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-110, filed 5/31/89; Order 77-3 d, § 132N-276-110, filed 8/29/77.]

WAC 132N-276-120 Protection of public records.

Requests for public records shall be made at the administrative services office of the college. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designed for their inspection. Copies shall be made at the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-120, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-120, filed 8/29/77.]

WAC 132N-276-130 Records index. The college shall make available for public inspection and copying all indexes maintained for college use under the same rules and the same conditions as applied to public records.

The office of the president shall maintain indexes of orders, board resolutions by number, and board actions by date and subject. The administrative services office shall maintain indexes of board policies and administrative procedures by reference number and subject.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-130, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-130, filed 5/31/89; Order 77-3 d, § 132N-276-130, filed 8/29/77.]

WAC 132N-276-140 Adoption of form. The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record(s)."

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). 96-12-041, § 132N-276-140, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-140, filed 8/29/77.]

WAC 132N-276-150 Appendix A—Form—Request for public record(s).

**Request for
Public Record(s)**

**Clark College
Administrative Services**

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 340. The form is to be completed and sent to the Clark College Administrative Services Dept.

Name (Please Print) Signature _____

Name of Organization (If Applicable) Phone Number _____

Mailing Address _____

Date and Time Request Made _____

Record(s) Requested: _____

Will this information be used for commercial purposes? Yes No _____

Instructions for Receipt of Record(s) _____

(To be completed by Public Records Officer)

Date and Time Request Received

All records subject to the request are provided with this response.

The College will need _____ days to respond to the request based on the following reason(s):

The intent of your request needs to be clarified:
(Specific questions should be included here; e.g., what time period? Does the request include personal information?)

Note: Failure to clarify the request will mean no further response).

To locate and assemble the records.

To notify third persons or agencies affected by the request.

To determine whether any of the information request is exempt and that a denial should be made as to all or part of the request.

The request is denied based on the following exemption(s): _____

You may obtain review of the decision denying inspection by presenting a written request for review along with the written statement which sets forth the basis for denial to the President. The President's review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of judicial review.

_____, Public Records Officer

Date and Time of Response: _____

Acknowledgment of receipt: _____ Date: _____

ADB 2233
10/23/95

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1), 96-12-041, § 132N-276-150, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW, 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-150, filed 5/31/89; Order 77-3 d, § 132N-276-150, filed 8/29/77.]

Chapter 132N-300 WAC

GRIEVANCE PROCEDURE—DISCRIMINATION

WAC

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

WAC 132N-300-001 Statement of policy. (1) The college affirms a commitment to freedom from discrimination for all members of the college community. The responsibility for, and the protection of, this commitment extends to students, faculty, administration, staff, contractors, and those who develop or participate in college programs. It encompasses every aspect of employment and every student and community activity. The college expressly prohibits discrimination against any person on the basis of race, sex, creed, religion, color, national origin, age, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran. Harassment is a form of discrimination.

(2) Definitions.

(a) Sexual harassment is a form of sex discrimination which involves the inappropriate introduction into the work or learning situation of sexual activities or comments that demean or otherwise diminish one's self worth on the basis of gender. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under any of the following conditions:

(i) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.

(ii) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.

(iii) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, offensive working or educational environment.

Sexual harassment often involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, e.g., student to student, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.

Gender discrimination is the process of making a distinction in favor of, or against, a person or persons on the basis of sex rather than on individual merit. If gender is taken into account when making a decision regarding an employee, except when it is a *bona fide* occupational qualification or is otherwise authorized by law, or if an employee is sexually harassed, that person has been subjected to gender discrimination.

(b) Racial harassment is defined as physical or verbal conduct that is maliciously intended to harass, intimidate, or humiliate a person or persons on account of race, color, or national origin and that causes severe emotional distress, physical injury or damage or destruction to the property of another, or threatens and places a specific person or group of persons in reasonable fear of harm.

(c) Disabilities. People with disabilities are persons with a physical, mental, or sensory impairment which substantially limits one or more major life activities. An individual is disabled if he or she meets at least any one of the following tests:

(i) He or she is substantially impaired with respect to a major life activity; or

(ii) He or she has a record of such an impairment; or

(iii) He or she is regarded as having such an impairment.

(d) Disabled veteran. A person entitled to disability compensation under laws administered by the U.S. Department of Veterans Affairs, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

(e) Vietnam-era veteran. A person who served on active duty for a period of more than one hundred eighty days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released from duty with other than a dishonorable discharge.

[Statutory Authority: RCW 28B.50.140. 98-19-066, § 132N-300-001, filed 9/18/98, effective 10/19/98.]

WAC 132N-300-010 Grievance procedure. (1) Any person who believes she or he has been discriminated against or harassed by Clark College or its employee(s) or agent(s) on the basis of race, sex, creed, religion, color, national origin, age, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran, may lodge a formal grievance. The college president delegates investigation of grievances on the basis of disability or disabled or Vietnam-era veteran status to the ADA Compliance Officer (ADACO). The college president delegates investigation of all other discrimination/harassment grievances to the college's affirmative action officer (AAO).

(a) Complaints should be filed within one hundred eighty days from the most recent incident. Where extraordinary cir-

(2009 Ed.)

cumstances are shown, the one hundred eighty-day limit may be waived by the ADACO or AAO.

(b) If the individualized education program (IEP) of a student provides for enrollment at Clark College or contracted special education or related services to be provided by the college, the school district which developed the IEP shall remain responsible for insuring that the requirements of chapter 392-172 WAC and the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 *et seq.*, including review and revisions to the IEP, are met.

(2)(a) Step 1: **Informal meeting.** In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act (the respondent) or with the appropriate supervisor or president's designee. The time period in which attempts to informally resolve the concern are made shall not exceed thirty working days from the time the complaint is lodged.

(b) Step 2: **Formal grievance procedure.** The complainant may initiate a formal grievance.

(i) A formal grievance must be filed in writing and must set forth the specific grievance(s) raised by the complainant, including the dates, times, places, and circumstances surrounding his or her complaint. A form for this purpose is available from the ADACO or AAO; however, any written document is acceptable. Formal complaints may not be filed by e-mail.

(ii) Upon receipt of the grievance, the ADACO or AAO will conduct an investigation which includes, but is not limited to, interview(s) with the complainant, the respondent, and any additional persons necessary to determine the merit(s) of the complaint. The investigation should be completed within thirty working days.

(iii) Upon completion of the investigation, the ADACO or AAO will present a written report, including findings and conclusions to the complainant and the respondent. The report may include a recommendation by the ADACO or AAO for appropriate disciplinary or corrective action, or the report may be sent to the designated dean or administrator to determine appropriate disciplinary or corrective action.

(iv) If the complaint is found to be false and malicious, the ADACO or AAO will notify the designated dean or administrator for possible disciplinary action against the complainant.

(c) Step 3: **Presidential appeal.** If the complaint is not resolved at Step 2 the complainant may appeal to the college president.

(i) The appeal must be made in writing within twenty-one days after the report is issued.

(ii) Within twenty days after receiving the appeal, the college president or the president's designee will conduct the presidential review and report the results in writing to both the complainant and the respondent. The college president may affirm or modify the report, remand the case for further investigation, or dismiss the appeal.

(iii) The written results of the presidential review will be considered final. No further intra-institutional appeal exists.

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

(a) Equal employment opportunity commission.

(b) Washington state human rights commission.

(c) Regional director, office of civil rights, department of education.

[Statutory Authority: RCW 28B.50.140. 98-19-066, § 132N-300-010, filed 9/18/98, effective 10/19/98.]

Chapter 132N-400 WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132N-400-010	Grounds for ineligibility.
132N-400-020	Suspension procedure—Right to informal hearing.
132N-400-030	Hearing.
132N-400-040	Decision.

WAC 132N-400-010 Grounds for ineligibility. Any student found by the college to have violated chapter 69.41 RCW, as now, or hereafter amended, by virtue of a criminal conviction or otherwise, insofar as it prohibits the possession, use or sale, or furnishing of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 90-22-049, § 132N-400-010, filed 11/2/90, effective 12/3/90.]

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

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 90-22-049, § 132N-400-020, filed 11/2/90, effective 12/3/90.]

WAC 132N-400-030 Hearing. Notwithstanding any 132N WAC to the contrary, if a timely written request for a hearing is made, the dean of students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.-482.494.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 90-22-049, § 132N-400-030, filed 11/2/90, effective 12/3/90.]

WAC 132N-400-040 Decision. Notwithstanding any WAC 132N to the contrary, the college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administra-

tive proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than twenty days after the request for hearing is received by the dean of students.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 90-22-049, § 132N-400-040, filed 11/2/90, effective 12/3/90.]