

Title 495A WAC

BATES TECHNICAL COLLEGE

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- 495A-104 Board of trustees.**
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- 11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-050 Civil disturbances. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-050, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-060 Free movement on campus. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-060, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-070 Right to demand identification. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-070, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-080 Performance dishonesty/classroom conduct. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-080, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).

**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 495A-120
STUDENT CONDUCT CODE**

- 495A-120-010 Definitions. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-010, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-020 Statement of purpose. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-020, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-030 Jurisdiction. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-030, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-040 Student misconduct. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-040, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-041 Hazing. [Statutory Authority: RCW 28B.10.902(3) and 28B.50.140(13). 97-20-081, § 495A-120-041, filed 9/29/97, effective 10/30/97.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-042 Penalties for hazing. [Statutory Authority: RCW 28B.10.902(3) and 28B.50.140(13). 97-20-081, § 495A-120-042, filed 9/29/97, effective 10/30/97.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-043 Sanctions for impermissible conduct not amounting to hazing. [Statutory Authority: RCW 28B.10.902(3) and 28B.50.140(13). 97-20-081, § 495A-120-043, filed 9/29/97, effective 10/30/97.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-045 Loss of eligibility—Student athletic participation. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-045, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-090 Campus speakers. [Statutory Authority: RCW 28B.10.-140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-090, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-100 Distribution of information. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-100, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-110 Commercial activities. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-110, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-120 Disciplinary process. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-120, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-130 Disciplinary terms. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-130, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-135 Refunds and access. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-135, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.-140(10).
- 495A-120-140 Readmission after suspension or expulsion. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-140, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-150 Reestablishment of performance standing. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-150, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).

- 495A-120-160 Disciplinary authority of the director of student services and senior vice-president. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-160, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50-140(10).
- 495A-120-170 Student/faculty disciplinary committee. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-170, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-180 Procedural guidelines. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-180, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50-140(10).
- 495A-120-190 Appeals. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-190, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).
- 495A-120-200 Reporting, recording and maintaining records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-120-200, filed 5/26/92, effective 6/26/92.] Repealed by 00-11-148, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 28B.50.140(10).

Reviser's note: Later promulgation, see Chapter 495A-121 WAC.

Chapter 495A-104 WAC BOARD OF TRUSTEES

WAC

- 495A-104-010 Time and place of board meetings.
- 495A-104-020 Request for items to be placed on board agenda.
- 495A-104-030 Delegation to college president.

WAC 495A-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the third Wednesday of each month except for the month of August at 2:00 p.m. and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-104-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-104-020 Request for items to be placed on board agenda. Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve o'clock noon ten business days before the next scheduled meeting of the board. The secretary will relate the request to the college president and the chairman of the board as soon as feasible. The chairman will determine whether the item is to be placed on the agenda. The chairman or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

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[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-104-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-104-030 Delegation to college president.

The board of trustees delegates to the college president its authority and responsibility to administer Bates Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-104-030, filed 5/26/92, effective 6/26/92.]

Chapter 495A-108 WAC PRACTICE AND PROCEDURE

WAC

- 495A-108-010 Adoption of model rules of procedure.
- 495A-108-020 Appointment of presiding officers.
- 495A-108-030 Method of recording.
- 495A-108-040 Application for adjudicative proceeding.
- 495A-108-050 Brief adjudicative procedures.
- 495A-108-060 Discovery.
- 495A-108-070 Procedure for closing parts of the hearings.
- 495A-108-080 Recording devices.

WAC 495A-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-108-020 Appointment of presiding officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-020, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-030, filed 5/26/92, effective 6/26/92.]

WAC 495A-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the follow-

ing address: Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-040, filed 5/26/92, effective 6/26/92.]

WAC 495A-108-050 Brief adjudicative procedures.

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

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored athletic events.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-050, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. 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 in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-070, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-108-080, filed 5/26/92, effective 6/26/92.]

(2009 Ed.)

Chapter 495A-121 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

(Formerly chapter 495A-120 WAC)

WAC

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WAC 495A-121-010 Preamble. Bates Technical College is a two-year public institution of higher education. The college is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Broadly stated, the purpose of the college is to provide opportunities for all who desire to pursue educational goals. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. To implement this objective, it is necessary to ensure that an environment is created wherein all students may progress in accordance with their capability and intensity of interest. The responsibility to create and maintain such an environment is shared by all members of the college community: Students, faculty, staff, and administration.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-010, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-011 Definitions. The definitions set forth in this section shall apply throughout this chapter. The following words and phrases shall mean:

- (1) "Assembly" shall mean any 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 persons or group of persons.

(2) "Board of trustees" shall mean the five member board appointed by the governor of the state of Washington, District No. 28.

(3) "College" shall mean Bates Technical College, which includes the main campus, extension centers, and off-campus classes and activities, including alternative learning methods distributed by web, tape, television or other alternative means.

(4) "College community" shall mean all college employees designated as members of the administration by the board of trustees and students.

(5) "College facilities" shall mean and include any or all computer systems/networks or extension/alternative sites or real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "College president" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Controlled substances" shall mean the definition of controlled substances as defined within RCW 69.50.101 as now law or hereafter amended.

(8) "Disciplinary action" shall mean and include oral warning, reprimand, probation, suspension, dismissal or any lesser sanction of any student by college officials.

(9) "Disciplinary official" shall mean the student/faculty disciplinary committee, the vice-president of student services or designee, and the president.

(10) "Drugs" shall mean a narcotic drug as defined in RCW 69.50.101 or a legend drug as defined in RCW 69.41-010.

(11) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person.

(12) "Harassment" shall mean any malicious act, which causes harm to any person's physical or mental well being.

(13) "Hate crimes" shall mean criminal acts in which victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Examples of behaviors that may constitute a hate crime include but are not limited to:

- (a) Threatening phone calls.
- (b) Hate mail.
- (c) Physical assault.
- (d) Threats of harm or violence.
- (e) Arson.
- (f) Vandalism.
- (g) Cross burnings.
- (h) Bombings and bomb threats.

(14) "Hazing" shall mean any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state.

(15) "Instructor/faculty" shall mean professional staff members who are employed by the college in a temporary, full-time, tenured or probationary position as instructor, counselor, and/or librarian for the purpose of providing support services for students.

(16) "Liquor" shall mean the definition of liquor as defined in RCW 66.04.010.

(17) "Racial harassment" shall be defined as written, oral, graphic or physical conduct relating to an individual's race, color, or national origin that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of the individual to participate in or benefit from college's programs or activities. Examples of behaviors that constitute harassment based on race or national origin may include but are not limited to:

(a) Harassment of students because they are immigrants, speak another language, or have a foreign accent.

(b) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin.

(c) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin.

(d) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin.

(e) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or other racially/ethnically derogatory sentiments.

(f) Criminal offenses directed at persons because of their race or national origin.

(18) "Sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at person because of his/her sex where:

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

(b) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. Examples of behaviors that may constitute harassment include but are not limited to:

(i) Unwelcome verbal harassment of a sexual nature or abuse;

(ii) Unwelcome pressure for sexual activity;

(iii) Unwelcome sexually motivated or inappropriate patting, pinching, or physical contact;

(iv) Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's educational status;

(v) Unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;

(vi) The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.

(19) "Student" shall mean and include any person who is enrolled at the college or is in the process of enrolling at the college.

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-011, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-011, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-012 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-012, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-020 Student rights. The college endorses the following rights for each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-020, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-021 Academic freedom. (1) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

(2) 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).

(3) Students have the right to a learning environment, which is free from unlawful discrimination and sexual harassment.

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

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-021, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-022 Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation or veteran status.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-022, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-023 Due process. Students have the right to due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating the code of conduct is entitled to procedural due process as set forth in these provisions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-023, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-024 Campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and compliance with college procedures.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-024, filed 5/24/00, effective 6/24/00.]

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WAC 495A-121-025 Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

(1) Are conducted in an orderly manner;

(2) Do not unreasonably interfere with vehicular or pedestrian traffic;

(3) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;

(4) Do not cause destruction or damage to college property.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-025, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-026 Distribution of materials. (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student(s), or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the vice-president of student services; provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

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

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

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

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-026, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-027 Grievances. Students have the right to express and resolve misunderstandings, alleged violation of a college policy, procedure or regulation or alleged inequitable treatment, or retaliation according to the stated grievance procedures set forth in these provisions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-027, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-028 Commercial activities. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college; provided that such solicitation does not interfere with or operate to the detriment of conducting college affairs or the free flow of vehicular or pedestrian traffic.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-028, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-029 Student responsibilities. Students who choose to attend Bates Technical College also choose to actively participate in the learning process offered by the college. The college is responsible for providing an educational environment rich in the high quality resources needed by students to attain their educational goals. In return, the college has the expectation that each student will assume responsibility to:

- (1) Become knowledgeable of and adhere to policies, practices, procedures, and rules of the college and its departments;
- (2) Practice personal and academic integrity;
- (3) Respect the dignity, rights and property of all persons;
- (4) Strive to learn from differences in people, ideas and opinions;
- (5) Participate actively in the learning process, both in and out of the classroom;
- (6) Attend all class sessions;
- (7) Participate actively in the advising process;
- (8) Develop skills required for learning (basic skills, time management and study skills);
- (9) Refrain from and discourage behaviors, which undermine the respect all Bates Technical College community members deserve;
- (10) Abide by the standards set forth in the *Code of Rights and Responsibilities*.

[Statutory Authority: RCW 28B.50.140(10), 00-11-147, § 495A-121-029, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-040 Code of conduct. The college has special regulations regarding the conduct of the various participants in the college. Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community.

[Statutory Authority: RCW 28B.50.140(10), 00-11-147, § 495A-121-040, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-041 Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations, which may from time to time be properly enacted or for specific prohibited conduct including, but not limited to, the following:

- (1) Smoking and use of tobacco products is prohibited in all classrooms, shop areas, the library and other areas designated by college officials.
- (2) Using, possessing, consuming, or being under the influence of, or selling any liquor as defined in RCW 66.04.010, in violation of law or in a manner which disrupts a college activity.
- (3) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program or activity.
- (4) Engaging in lewd, indecent, or obscene behavior.
- (5) Where the student presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the educational process of the college.

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(6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or conduct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Conducting or participating in an assembly, which violates the guidelines of assembly as defined and set forth in these provisions.

(8) Any forms of academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding, and abetting academic dishonesty.

(9) Forgery of or unauthorized alteration of or access to any college document, record, funds, or instrument of identification, including electronic hardware, software and records.

(10) The intentional making of false statements and/or filing of false charges against the college and/or a member of the college community.

(11) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(12) Causing, or attempting to cause, physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(13) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(14) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(15) Unlawful possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property.

(16) 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.

(17) Sexual harassment as defined and set forth in these provisions, of another student or employee.

(18) Racial harassment as defined and set forth in these provisions of another student or employee.

(19) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment.

(20) Hazing in any form as described in RCW 28B.10.-900.

(21) Illegal or attempted illegal entry of college owned or college controlled property.

(22) Violation of any computer use policies in effect on campus as well as conduct that violates the college's property rights with respect to computing resources including, but not limited to:

- (a) Unauthorized copying, including:
 - (i) Copying college-owned or licensed software or data for personal or external use without prior approval;
 - (ii) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;

(iii) Knowingly accepting or using software or data which has been obtained by unauthorized means.

(b) Modifying or damaging, attempting to modify or damage computer equipment, software, data bases, or communication lines without permission;

(c) Disrupting or attempting to disrupt computer operations;

(d) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;

(e) Abusing or harassing another computer user through electronic means;

(f) Using the college's computing facilities in the commission of a crime;

(g) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account. This includes, but is not limited to: Logging on to the account, accessing programs, and reading or altering computer records. Computer time belongs to the college; the college is the only entity, through computing services, authorized to allocate time on the mainframe computers.

(h) Using computer services without authorization.

(i) Using the internet for purposes other than college-approved activities.

(23) Disruption. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the processes of the college. The following conduct will not be permitted:

(a) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;

(b) Obstruction of free movement of people or vehicles;

(c) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;

(d) Threats of disruption, including bomb threats;

(e) Damaging, defacing or abusing college facilities, equipment, or property;

(f) Inciting others to engage in prohibited conduct.

(24) Violation of parking regulations.

(25) Other conduct. Any other conduct or action in which the college can demonstrate a clear and distinct interest, and, which substantially threatens the educational process or other legitimate function of the college or the health or safety of any member of the college is prohibited.

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-041, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-041, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-042 Performance dishonesty. (1)

Honest assessment of student performance is of crucial importance to all members of the college community. It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of performance dishonesty which occur at the college.

(2) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of performance dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not

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be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for performance dishonesty. Acts of performance dishonesty shall be cause for disciplinary action. Acts of dishonesty shall consist of, but not be limited to, the following:

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

(b) Any student who aids or abets the accomplishment of an act of performance dishonesty as described in (a) of this subsection.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-042, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-043 Classroom conduct. Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

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

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

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-043, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-044 Disciplinary sanctions. Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians. More than one sanction may be recommended. Sanctions may include, but are not limited to:

(1) "Disciplinary warning" shall mean oral notice of violation of college rules and regulations.

(2) "Reprimand" shall mean formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. The disciplinary official makes reprimands in writing to the student. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) "Disciplinary probation" shall mean formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college.

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(4) "Restitution" shall mean compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

(5) "Discretionary sanctions" may include, but are not limited to, restricted computer systems/network access, work assignments, service to college or community, mandatory class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

(6) "Loss of privileges" shall mean loss of specific college privileges for a specified period of time. These may include, but are not limited to, computer/internet access, student activities or club participation.

(7) "Summary suspension" shall mean temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(8) "Suspension" shall mean temporary dismissal from the college and termination of student status.

(9) "Expulsion" shall mean dismissal from the college and termination of student status.

(10) "No contact" shall mean restriction from entering specific college areas and/or all forms of contact with certain individual(s).

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-044, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-044, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-045 Hazing sanctions. (1) Any student found to have violated RCW 28B.10.900 through 28B.10.902 related to hazing, by virtue of a criminal conviction or by final decision of the college president or designee, shall, in lieu of or in addition to any other disciplinary action which may be imposed under this chapter, forfeit any entitlement to state funded grants, scholarships or awards for a period of at least one full quarter.

(2) Pursuant to RCW 28B.10.902 forfeiture of state-funded grants, scholarships or awards to recipients engaged in hazing activities or impermissible conduct not amounting to hazing may continue for additional quarters, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Pursuant to RCW 28B.10.902 any organization or association found to have knowingly permitted hazing to be conducted by its members or, by others subject to its direction or control, may be deprived of any official recognition or approval granted by the college.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-045, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-046 Groups and organizations. (1) Recognized student groups and organizations may be charged with violations of this code. Such a group or organization and its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

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(2) Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code. Sanctions of groups or organizations are subject to the appeal process upon request.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-046, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-047 Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

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

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-047, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-048 Readmission after suspension or expulsion. (1) Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued.

(2) If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition must state reasons, which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-048, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-049 Reestablishment of performance standing. Students who have been suspended pursuant to disciplinary procedures set forth in these provisions and whose suspension, upon appeal, is found to have been unwarranted, shall be provided the opportunity to reestablish their performance and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-049, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-060 Discipline. (1) Any infractions of college rules and regulations may be referred by any student or employee to the vice-president for student services or in his/her absence, the designee. Sexual or racial harassment complaints or concerns may be directed to the vice-president for human resources.

(2) The vice-president for student services, or in his/her absence, the designee, is responsible for initiating the disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. That official shall follow the appropriate procedures for any disciplinary action, which is deemed necessary relative to the alleged misconduct.

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[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-060, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-061 Disciplinary process—Except summary suspension. (1) The vice-president for student services or his/her designated representative will initiate disciplinary proceedings.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and advised as to the seriousness of the matter under consideration. The student will be informed of what provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student services, or in his/her absence, the designee, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after providing whatever counseling and advice may be appropriate.

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.

(d) Refer the matter to the student/faculty disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee. If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions, and may impose sanctions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-061, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-062 Summary suspension procedures. (1) If the vice-president for student services deems summary suspension appropriate, he/she shall give the student oral or written notice of the reasons for the summary suspension, duration of the summary suspension, and of any possible additional disciplinary or corrective action that may be taken. If oral notice is given, written notice shall follow within two working days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(2) The presiding officer for the informal hearing shall be an administrator designated by the president other than the administrator who initially imposed the summary suspension (normally, the vice-president for student services) and will be accompanied by the president of the associated student government of Bates Technical College or designee. The student shall be given the opportunity to present written and/or oral evidence. The issue before the presiding officer shall be whether reasonable cause exists to support and to continue the summary suspension.

(3) The presiding officer shall issue a written decision within two days of the informal hearing.

(4) The student may request a de novo review of the informal hearing decision before the student/faculty disciplinary committee. Either party may request the review to be

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consolidated with any other disciplinary proceeding arising from the same matter.

(5) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed three working days per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-062, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-063 Appeals. Any disciplinary action other than warning or reprimand may be appealed. All appeals must be made in writing and addressed to the vice-president for student services within ten working days of the college's giving notice of the disciplinary action.

(1) Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student services, or in his/her absence, the designee.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to, and shall be reviewed by, the college president or his/her designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-063, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-064 Student/faculty disciplinary committee. The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appeal to it by student(s). The committee will be composed of the following persons:

(1) A member appointed by the president of the college or his/her designee who shall serve as chair;

(2) Two members of the faculty, appointed by the president of the faculty association;

(3) Two representatives from the associated student government appointed by the student body president.

None of the above-named persons shall sit on any case in which he/she has been a complainant or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-064, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-065 Procedural guidelines of the student/faculty disciplinary committee. The student has a right to a fair and impartial hearing before the committee on

any charge of misconduct resulting in disciplinary action other than warning or reprimand.

(1) The committee chair shall establish general rules of procedures for conducting hearings. A majority of the committee shall set the time, place and available seating capacity for a hearing. All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as possible in fairness to all parties involved.

(2) The committee shall issue written notice to the student of the date, time, and place of the hearing, and the charges against the student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the vice-president for student services at least five working days prior to the hearing.

(4) The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters. The committee shall request the administration to provide the student with a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(5) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing, invited guests are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room.

(7) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. However, it may not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties. The committee may decide: To uphold or modify sanctions in accordance with the process set forth in these provisions.

An adequate summary of the proceedings will be kept. At a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular busi-

ness hours. The student will be provided with a copy of the findings of fact and conclusions of the committee.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-065, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-066 Appeal of the student/faculty disciplinary committee's decision.

(1) The student will be advised of his/her right to present within seven working days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

(2) If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president or his/her designated representative, after reviewing the case, including the report of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-066, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-070 Reporting, recording and maintaining records.

The office of the vice-president for student services shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings, and all recorded testimony shall be preserved, insofar as possible, for not more than six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than six years.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-070, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-090 Student grievance procedure.

The purpose of the grievance procedure is to provide a student with the opportunity to express and resolve any misunderstanding, alleged violation of a college policy, procedure or regulation, retaliation and or inequitable treatment in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements, and are responsible for complying with them in their relationships with college personnel. The grievance procedure emphasizes an information resolution which promotes constructive dialogue and understanding.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-090, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-091 Student complaints. (1) Step one. The student shall first determine if a formal written process is required by securing the student petition form. If not, an information meeting with the instructor/staff member should be scheduled by the student to resolve the concern(s).

If an informal meeting does not resolve the concern(s), within ten working days from the time the event occurred or that the student knew, or reasonably should have known of the grievance, the student may present the grievance in writing to the instructor involved with a copy sent to the vice-president for student services. Within ten working days after receiving the grievance, the instructor shall respond to the grievance in writing.

(2) Step two. If the grievance is not resolved at step one, the student may within ten working days of the receipt of the written response, appeal to the area director/associate director by submitting the appropriate copy of the grievance form and all documents from step one to the area director/associate director.

(a) The director/associate director shall hear the grievance within ten working days after receipt of the grievance form and shall render a decision in writing within ten working days after such hearing.

(b) The student shall be afforded an adequate and fair opportunity to fully present his/her position and the relevant facts as they relate to the issues raised by the grievance.

(3) Step three. If the grievance is not resolved at step two, the student may within ten working days of receipt of the written response, provide the appropriate copy of the student grievance form and a written appeal, accompanied by documents and correspondence, to the vice-president for student services.

(a) The vice-president for student services shall hear the grievance within ten working days after receipt of the written appeal and shall render a decision in writing within ten working days after such hearing concludes.

(b) The student shall be afforded an adequate and fair opportunity to fully present his/her position and the relevant facts and issues to be addressed in the grievance.

(c) The decision of the vice-president for student services shall be final and binding on all parties involved in the grievance.

(d) Any settlement of the grievance shall be applicable to that grievance only and shall not be a precedent or have binding effect or disposition on any other grievances of similar nature.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-091, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-092 Records. The vice-president for student services shall keep all written statements or transcripts associated with the complaint as part of the files. The files will be destroyed after six years from the initiation of the complaint.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-092, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-093 Time limits on filing a complaint. The student must file a complaint within one quarter of the event, which caused the grievance to be filed. The vice-president for student services may suspend this rule under

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exceptional circumstances such as extended illness, or a leave of absence. No complaints will be considered after two quarters of the occurrence of the source of the grievance. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-093, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-094 Grievances excluded. (1) The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for human resources for information on those specific procedures.

(2) A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

(3) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Bates Technical College District No. 28 shall not be grievable matters.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-094, filed 5/24/00, effective 6/24/00.]

Chapter 495A-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

WAC

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-122-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by registered 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, requested services will not be provided.

(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. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

[Title 495A WAC—p. 11]

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-122-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-122-030 Procedure for brief adjudicative proceeding. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent by registered mail to the individual within five days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-122-030, filed 5/26/92, effective 6/26/92.]

Chapter 495A-130 WAC TUITION AND FEE SCHEDULES

WAC

495A-130-020 Location of schedules.

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

- (1) The office of admissions;
- (2) The registration and records office.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-130-020, filed 5/26/92, effective 6/26/92.]

Chapter 495A-131 WAC SCHOLARSHIPS

WAC

495A-131-010 Scholarships.

WAC 495A-131-010 Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Bates Technical College is located in the office of student services on the downtown college campus.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-131-010, filed 5/26/92, effective 6/26/92.]

Chapter 495A-132 WAC FINANCIAL AID

WAC

495A-132-010 Financial aid.

[Title 495A WAC—p. 12]

WAC 495A-132-010 Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid
Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-132-010, filed 5/26/92, effective 6/26/92.]

Chapter 495A-133 WAC ORGANIZATION

WAC

495A-133-020 Organization—Operation—Information.

WAC 495A-133-020 Organization—Operation—Information. (1) Organization. Bates Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

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

1101 South Yakima Avenue
Tacoma, WA 98405

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

South Campus
2201 South 78th Street
Tacoma, WA 98409

Home and Family Life Center
5214 North Shirley Street
Tacoma, WA 98407

Business and Management Center
7030 Tacoma Mall Boulevard
Tacoma, WA 98409

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

1101 South Yakima Avenue
Tacoma, WA 98405

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-133-020, filed 5/26/92, effective 6/26/92.]

Chapter 495A-134 WAC DESIGNATION OF RULES COORDINATOR

WAC

495A-134-010 Rules coordinator.

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

Jon G. Thorpe
Senior Vice-President
1101 South Yakima Avenue
Tacoma, WA 98405

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-134-010, filed 5/26/92, effective 6/26/92.]

Chapter 495A-140 WAC USE OF COLLEGE FACILITIES

WAC

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| 495A-140-010 | Use of college facilities. |
| 495A-140-020 | Limitation of use to school activities. |
| 495A-140-030 | Statement of intentions. |
| 495A-140-040 | General policies limiting use. |
| 495A-140-050 | Administrative control. |
| 495A-140-060 | Trespass. |
| 495A-140-070 | Prohibited conduct at college facilities. |
| 495A-140-080 | Control of pets in college facilities. |
| 495A-140-090 | Basis of fee assessment. |
| 495A-140-100 | Application procedures. |
| 495A-140-110 | Supervision during activity. |

WAC 495A-140-010 Use of college facilities. Bates Technical College serves Pierce and other counties by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-010, filed 5/26/92, effective 6/26/92.]

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

- (a) The regularly established teaching, research, or public service activities of the college and its departments;
- (b) Cultural, educational, or recreational activities of the students, faculty, or staff;
- (c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.
- (d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;
- (e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are

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of widespread public service and of a character appropriate to the college.

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

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-020, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-030, filed 5/26/92, effective 6/26/92.]

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

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

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

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

(6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

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

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

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

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

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-040, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-050, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be

requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-070 Prohibited conduct at college facilities. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-070, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-080, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-090 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of director of college operations.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-140-090, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of director of college operations. A single application

may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

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

(4) The college reserves the right to make pricing changes without prior written notice.

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

(6) The priorities for facility use place primary emphasis on regular college events and activities. The president and the board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

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

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

(9) Organizations using Bates Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the board of trustees.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-140-100, filed 5/26/92, effective 6/26/92.]

WAC 495A-140-110 Supervision during activity. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require a staff member represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-140-110, filed 5/26/92, effective 6/26/92.]

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Chapter 495A-141 WAC

PARKING AND TRAFFIC REGULATIONS

WAC

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| 495A-141-011 | Applicable parking and traffic regulations. |
| 495A-141-012 | Enforcement. |
| 495A-141-013 | Liability of college. |
| 495A-141-014 | Definitions. |
| 495A-141-030 | Authorization for issuance of permits. |
| 495A-141-035 | Responsibility of person to whom permit is issued. |
| 495A-141-040 | Vehicle parking permits. |
| 495A-141-045 | Visitor permits. |
| 495A-141-050 | Display of permits. |
| 495A-141-055 | Transfer of permits. |
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| 495A-141-090 | Regulatory signs, markings, barricades. |
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| 495A-141-180 | Parking advisory committee. |

WAC 495A-141-010 Purpose for adopting parking and traffic regulations. Pursuant to the authority granted RCW 28B.50.140(10), the board of trustees of Bates Technical College, or their designee, is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure ingress and egress at all times for emergency traffic.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.
- (5) To regulate the use of parking spaces.
- (6) To protect students, staff, and state owned property.

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-010, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-011 Applicable parking and traffic regulations. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington shall apply on all Bates Technical College campuses.

(2) The traffic code of the city of Tacoma shall apply upon all college lands located within the city of Tacoma.

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-011, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-012 Enforcement. The president or designee shall be responsible for the enforcement of the regulations. Parking and traffic regulations will be enforced at all times.

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-012, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-013 Liability of college. The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase of a parking permit.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-013, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-014 Definitions. As used in this document, the following words and phrases shall mean:

- (1) "Board" - the board of trustees of Bates Technical College
- (2) "Campus" - all lands and buildings devoted to, operated by, or maintained by Bates Technical College
- (3) "Campus security officer" - employee of the college who is responsible to the vice-president of business & finance, or designee, for campus traffic control, parking, security, and safety.
- (4) "College" - Bates Technical College
- (5) "Safety & security supervisor" - the college's vice-president of business and finance, or designee
- (6) "Employee" - an individual appointed to the faculty, staff, or administration of the college
- (7) "Guests/visitors" - person or persons who come upon the campus as guests and person or persons who lawfully visit the campus
- (8) "Continuing permits" - permits issued to employees for an indefinite period of time
- (9) "President" - president of Bates Technical College
- (10) "President's designee" - vice-president of business and finance
- (11) "Student permits" - permits issued to students which are valid from the date of issue and for as long as the student is enrolled
- (12) "Temporary permits" - permits which are valid for a specific period designated on the permit
- (13) "Vehicle" - automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-014, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-030 Authorization for issuance of permits. The vice-president of business & finance, or designee, is authorized to issue parking permits to students, staff, and guests when the following is provided:

- (1) When the vehicle information is properly registered with the college.
- (2) When a temporary parking permit is necessary to enhance the business or operation of the college.

Permits are available to individuals who may wish to register additional vehicles. Only one vehicle registered to an individual shall be permitted to park on campus at any one time.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-030, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-035 Responsibility of person to whom permit is issued. The individual to whom a parking permit is issued shall be responsible for any violations of state, college or city traffic rules and regulations involving the vehicle. In the event that a vehicle in violation is not reg-

istered with the college, the current registered owner will be responsible for the violations of the above stated rules and regulations.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-035, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-040 Vehicle parking permits. (1) All employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for day classes.

(2) All persons parking on the campus shall secure and display a currently valid parking permit within five days from the student's date of registration or from the first day of employment.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-040, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-045 Visitor permits. All guests/visitors (including salespersons, vendors, etc.) may park in appropriate staff parking areas after obtaining a temporary permit from the business office.

Visitors from other state or governmental agencies or institutions may display their business card on the dashboard (or other clearly visible location) in lieu of obtaining a temporary permit for short-term business at the college.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-045, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-050 Display of permits. The parking permit issued by the college shall be visibly affixed on the inside of the rear window of the vehicle for which the permit was issued, on the lower left hand corner of the window as viewed from the rear of the vehicle. If this is not feasible then the permit shall be affixed to the driver's side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-050, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-055 Transfer of permits. Parking permits are not transferable. Each new vehicle must be registered with the business office and be issued a separate parking permit.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-055, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-060 Permit revocation. Permits are licenses and the property of the college, and may be revoked for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person.
- (3) Falsification on the application for parking permits.
- (4) Continued violations of parking and traffic regulations.
- (5) Counterfeiting or altering of permits.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-060, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-065 Right to refuse permit. The vice-president of business and finance, or designee, reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking conduct indicates a disregard for the rights or safety of others.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-065, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-070 Right to appeal permit revocation/refusal. When a parking permit has been revoked or has been refused or when a fine or penalty has been levied against a violator of the rules and regulations, such action by the vice-president of business and finance, or designee, may be appealed.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-070, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-080 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice president of business and finance, or designee, in such a manner as will best achieve the objectives of these rules and regulations.

(1) Special provisions shall be made for physically disabled employees, students, and visitors. Physically disabled individuals utilizing disabled parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. Temporary disabled permits will be issued by the business office. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Guests who visit the campus for college related business for a maximum time of thirty minutes, a temporary permit is not required. Visitors requiring parking for longer than thirty (30) minutes may obtain a temporary permit through the business office when verified by host department.

(3) Parking spaces may be designated for special purposes as deemed necessary.

(4) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

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

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-080, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-090 Regulatory signs, markings, barricades. The vice-president of business and finance, or designee, is authorized to make and erect signs, barricades, and other structures, and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus security officer in the control and regulation of traffic and parking.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-090, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-100 Speed limit. No vehicles shall be operated on the campus at a speed in excess of posted speed

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limits, or such slower speed as is reasonable and prudent to the circumstances.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-100, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-110 Pedestrian right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

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

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-110, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-120 Motorcycles or bicycles. Bicycles are to be parked in bicycle racks where provided. No person shall park a motorcycle or bicycle inside a building, by a doorway, on a path, sidewalk, walkway, or in such a manner as to block or obstruct the normal flow of pedestrian or vehicle traffic.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-120, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-130 Report of accidents. (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report such accident to the security officer on duty or operations office. Accidents occurring after the close of business shall be reported the next working day. The operator shall file a state of Washington motor vehicle report within twenty-four hours after such accident.

(2) Other minor accidents may be reported to the security officer on duty or operations office for insurance record purposes.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-130, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-140 Impounding disabled and inoperative vehicles. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding twenty-four hours, without authorization from the vice-president of business and finance, or designee.

(2) Vehicles parked over twenty-four hours without authorization may be impounded and stored at the expense of either, or both, the owner and operator thereof.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-140, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-150 Violation of parking and traffic regulations. (1) Operators of illegally operated or parked vehicles shall be warned or cited through appropriate means that they are in violation of these regulations. All fines are payable at the business office.

(2) In instances where violations are repeated, and in the judgment of the vice-president of business and finance, or designee, with appropriate documented evidence, said vehicles may be impounded.

[Statutory Authority: RCW 28B.50.140(10). 97-12-038, § 495A-141-150, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-160 Fees. The board of trustees of Bates Technical College shall set and review, as necessary, parking permit fees.

(1) Fees shall be levied in accordance with the current published fee schedule.

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-160, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-165 Fines and penalties. The vice-president of business and finance, or designee, is authorized to impose the following fines and penalties for violation of the regulations:

(1) A schedule of fines shall be set by the board of trustees. The schedule shall be published by the college and included on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedules as established by the board of trustees for the following violations:

- (a) No valid permit displayed
- (b) Occupying more than one parking space
- (c) Occupying space/area not designated for parking
- (d) Parking in area not authorized by permit
- (e) Parking in reserved staff space without authorization
- (f) Disabled parking violation
- (g) Blocking or obstructing traffic (may be towed if creating a safety hazard)
- (h) Parking adjacent to fire hydrant (may be towed if creating a safety hazard)
- (i) Parking in fire lane (may be towed if creating a safety hazard)
- (j) Parking in zone or area marked "no parking"
- (k) Speeding
- (l) Reckless/negligent driving (1) 1st offense - Parking privileges on all campuses revoked.

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

(4) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas may be subject to a fine and may be impounded. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

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

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

(7) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(8) Persons may appeal the issuance of a citation.

(9) In the event a student fails or refuses to pay an uncontested fine which has been outstanding in excess of five days, the vice-president of business and finance, or designee, may initiate the following actions:

(a) Student may not be able to obtain transcript of credits until all fines are paid.

(b) Student may not receive a degree/diploma/certificate of completion until all fines are paid.

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[Statutory Authority: RCW 28B.50.140(10), 99-24-072, § 495A-141-165, filed 11/29/99, effective 12/30/99; 97-12-038, § 495A-141-165, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-170 Appeal proceedings/appeal of fines and penalties. (1) Appeals must be presented in writing, giving full particulars, listing witnesses, evidence, etc.

(2) Appeals must be submitted to the vice-president of business and finance within five business days from date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he/she shall have five additional business days from receipt of decision by the vice-president of business and finance to appeal to the parking advisory committee.

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-170, filed 5/30/97, effective 6/30/97.]

WAC 495A-141-180 Parking advisory committee. The parking advisory committee shall be structured and responsible for the following purposes:

(1) To review and recommend necessary changes to the college parking and traffic regulations annually.

(2) To receive and hear appeals related to parking and traffic violations. All decisions made by the parking advisory committee relative to parking/traffic appeals shall be final.

(3) Membership shall consist of at least:

- (a) Three student representatives
- (b) One faculty representative
- (c) One classified representative
- (d) One administrator
- (e) One security officer
- (f) Vice-president of business and finance - ex officio

[Statutory Authority: RCW 28B.50.140(10), 97-12-038, § 495A-141-180, filed 5/30/97, effective 6/30/97.]

Chapter 495A-276 WAC ACCESS TO PUBLIC RECORDS

WAC

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-020 Definitions. (1) "Public record" includes any writing containing information relating to the

conduct of government or the performance of any governmental or proprietary function prepared, owned, used or 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, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-030 Description of central and field organization of Technical College District No. 28. (1) Bates Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the downtown campus within the city of Tacoma, Washington. The downtown campus likewise comprises the central headquarters for all operations of the district. Field activities for the south campus, home and family life center, and business and management center branches of the district are administered by personnel located at those branches in Tacoma, Washington; all other field activities of the district are directed and administered by personnel located on the campus at 1101 South Yakima Avenue, Tacoma, WA 98405.

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-030, filed 5/26/92, effective 6/26/92.]

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

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(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-040, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-050, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238, 92-12-017, § 495A-276-070, filed 5/26/92, effective 6/26/92.]

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

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

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

ence to the requested record as it is described in such current index;

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-080, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-090, filed 5/26/92, effective 6/26/92.]

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

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

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-100, filed 5/26/92, effective 6/26/92.]

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

review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

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

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-110, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at 1101 South Yakima Avenue, Tacoma, WA 98405. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495A-276-090.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-120, filed 5/26/92, effective 6/26/92.]

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

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

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

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

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

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

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-130, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-140 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
BATES TECHNICAL COLLEGE

(a) Name (please print) Signature
Name or Organization, if applicable
Mailing Address of Applicant Phone Number
(b) Date Request Made Time of Day Request Made
(c) Nature of Request
(d) Identification Reference on Current Index (Please describe)
(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Bates Technical College Index
Request: APPROVED DENIED Date
By Name Title
Reasons for Denial:
Referred to Date
By Name Title

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-276-140, filed 5/26/92, effective 6/26/92.]

Chapter 495A-280 WAC

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

WAC

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495A-280-015 Definitions.
495A-280-020 Annual notification of rights.
495A-280-030 Procedure to inspect education records.
495A-280-040 Disclosure of education records.
495A-280-050 Limits on rights to review and inspect and obtain copies of education records.
495A-280-060 Record of request and disclosures.
495A-280-070 Disclosure of directory information.

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- 495A-280-080 Requests for corrections, hearings, adding statements to education records.
495A-280-090 Fees for copies.
495A-280-100 Waiver.
495A-280-110 Type and location of education records.
495A-280-120 Remedy for students protected by this act.

WAC 495A-280-010 General policy. Bates Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and its implementing regulation (34 C.F.R. §99). Briefly, Bates Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-015 Definitions. For the purposes of this policy, the following definitions of terms apply:

- (1) "Student" means any individual who is or has been in attendance at Bates Technical College and for whom the college maintains education records.
(2) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Bates Technical College which contain information directly related to the individual student. Education records include only the following:
(a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree or certificate that are maintained by the registrar.
(b) Testing information used for advisement purposes by the counseling center.
(c) Information concerning payment of fees as maintained by the registrar.
(d) Financial aid information as collected by the financial aid office.
(e) Information regarding students participating in student government that is maintained by the student programs office.

(3) "Directory information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495A-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

- (a) Signed;
(b) Dated;
(c) Which specifies the records to be disclosed; and
(d) Which specifies to whom disclosure is authorized.
(5) "Personally identifiable" means data or information which includes: The name of the student, the student's par-

ent(s), or other family members; a personal identifier such as the student's social security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-015, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-020 Annual notification of rights.

Bates Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and new students during the registration process. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-030 Procedure to inspect education records. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495A-280-110.

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

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-030, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-040 Disclosure of education records.

(1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated students of Bates Technical College senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

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

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

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

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

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

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

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(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-040, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-050 Limits on rights to review and inspect and obtain copies of education records.

(1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

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

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Bates Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

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

(a) The student has an unpaid financial obligation to the college;

(b) There is an unresolved disciplinary action against the student.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-050, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-060 Record of request and disclosures.

(1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495A-280-050.

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

(3) The record must include:

(a) The names of parties who have received personally-identifiable information;

(b) The interest the parties had in requesting or obtaining the information; and

(c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

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

- (a) The student;
- (b) The college officials who are responsible for the custody of the records; and
- (c) Persons authorized to audit the record keeping procedures of the college.

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

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student; or
- (d) A party seeking directory information.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-070 Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the registrar to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-070, filed 5/26/92, effective 6/26/92.]

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

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

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

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the student services or other appropriate committee (the chair of the committee shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney, at the student's expense.

(2009 Ed.)

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

(5) If the student services or other appropriate committee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-080, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-090 Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-090, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-100, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-110 Type and location of education records.

| Type | Location | Custodian |
|--|----------|-----------------------|
| Admission Records, Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records | Archives | Student Records Clerk |
| Student Government Participation Records | Archives | Student Records Clerk |
| Financial Aid Records, Student Employment Records | Archives | Financial Aid Office |

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-110, filed 5/26/92, effective 6/26/92.]

WAC 495A-280-120 Remedy for students protected by this act. A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office
U.S. Department of Education
Washington, D.C. 20202

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-280-120, filed 5/26/92, effective 6/26/92.]

Chapter 495A-300 WAC GRIEVANCE RULES—TITLE IX

WAC

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| 495A-300-010 | Preamble. |
| 495A-300-020 | Informal procedure. |
| 495A-300-030 | Formal procedure. |
| 495A-300-040 | Other remedies. |

WAC 495A-300-010 Preamble. Bates Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-300-010, filed 5/26/92, effective 6/26/92.]

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

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-300-020, filed 5/26/92, effective 6/26/92.]

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

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

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

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

[Title 495A WAC—p. 24]

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-300-030, filed 5/26/92, effective 6/26/92.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-300-040, filed 5/26/92, effective 6/26/92.]

Chapter 495A-310 WAC GRIEVANCE PROCEDURES—HANDICAPPED

WAC

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| 495A-310-010 | Preamble. |
| 495A-310-020 | Informal procedure. |
| 495A-310-030 | Formal procedure. |
| 495A-310-040 | Other remedies. |

WAC 495A-310-010 Preamble. Bates Technical College is covered by section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of handicap may lodge an institutional grievance by following the procedures below.

(2009 Ed.)

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-310-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-310-020 Informal procedure. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or coordinator for disabled student services without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-310-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-310-030 Formal procedure. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

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

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

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an out-

side state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-310-030, filed 5/26/92, effective 6/26/92.]

WAC 495A-310-040 Other remedies. These procedures, outlined in WAC 495A-310-010 through 495A-310-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-310-040, filed 5/26/92, effective 6/26/92.]

Chapter 495A-325 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

WAC

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

WAC 495A-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Bates Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

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

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. 92-12-017, § 495A-325-010, filed 5/26/92, effective 6/26/92.]