

WSR 17-08-015
EXPEDITED RULES
UNIVERSITY OF WASHINGTON

[Filed March 27, 2017, 12:25 p.m.]

Title of Rule and Other Identifying Information: Title 478 WAC housekeeping amendments in twelve chapters, including WAC 478-04-020, 478-117-005, 478-117-010, 478-117-020, 478-117-310, 478-120-024, 478-120-145, 478-132-030, 478-136-015, 478-136-030, 478-136-041, 478-136-060, 478-137-010, 478-137-020, 478-137-030, 478-137-050, 478-138-030, 478-140-018, 478-156-016, 478-160-085, 478-324-090, 478-324-130, 478-324-150, 478-324-180, 478-324-190, 478-324-200, 478-324-210, 478-355-010, 478-355-020, 478-355-030, and 478-355-060.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rebecca Goodwin Dearforff, University of Washington (UW), Box 351210, Rules Coordination Office, Seattle, WA 98195, AND RECEIVED BY June 6, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Housekeeping amendments to Title 478 WAC rules are needed for the following reasons:

- Amendments that "clarify Language of a rule without changing its effect" are made in WAC 478-04-020, 478-117-310, 478-120-145, 478-132-030, 478-136-030, 478-137-030, 478-138-030, 478-156-016, and 478-160-085.
- Amendments that "make address or name changes" are made in WAC 478-117-005, 478-117-010, 478-117-020, 478-136-015, 478-136-041, 478-136-060, 478-137-010, 478-137-020, 478-137-030, 478-137-050, 478-138-030, 478-140-018, 478-324-130, 478-324-150, 478-324-180, 478-324-190, 478-324-210, 478-355-020, 478-355-030, and 478-355-060.
- Amendments that "only correct typographical errors" are made in WAC 478-120-024, 478-137-010, 478-137-050, 478-324-090, 478-324-190, and 478-324-200.
- Amendments for which "the content of the proposed rules is explicitly and specifically dictated by statute" are made in WAC 478-355-010 and 478-355-030.

Note: Some WAC sections contain more than one type of housekeeping amendment.

Reasons Supporting Proposal: Periodic corrections and clarifications to the UW's Title 478 WAC rules help keep these WAC rules accurate and up-to-date.

Statutory Authority for Adoption: RCW 28B.20.130 and UW *Board of Regents Governance*, Standing Orders, Chapter 8, Section 2.

Statute Being Implemented: RCW 28B.20.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: UW, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rebecca Goodwin Dearforff, 448 Gerberding Hall, UW Seattle Campus, (206) 543-9219.

March 27, 2017

Rebecca Goodwin Dearforff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 03-24-046, filed 11/26/03, effective 12/27/03)

WAC 478-04-020 Organization—Operation—Information. (1) Organization. The University of Washington is established in Title 28B RCW as a public institution of higher education. The institution is governed by a ten-member board of regents, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of the University of Washington is at the following address:

University of Washington
Office of the President
301 Gerberding Hall
Box 351230
Seattle, WA 98195-1230

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

~~University of Washington
Office of the Registrar
209 Schmitz Hall
Box 355850
Seattle, WA 98195-5850))~~ University of Washington's web site: www.washington.edu.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-005 Authority. RCW 28B.50.140(10) authorizes the board of trustees of Cascadia ~~((Community))~~ College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-010 Objectives of parking and traffic rules. The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia ((Community)) College.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the institutions by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-020 Definitions. The following definitions apply to this chapter:

- (1) Campus: The colocated campus of University of Washington, Bothell and Cascadia ((Community)) College.
- (2) College: Cascadia ((Community)) College, and collectively those responsible for its control and operations.
- (3) Employee: An employee of the college or the university.
- (4) Institutions: The college and the university.
- (5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.
- (6) Student: A person enrolled in the college or the university.
- (7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.
- (8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (9) Visitor: A person who is neither an employee nor a student of the college or the university.

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-117-310 Fines and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review in the ((central plant building)) Chase House.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound the violator's vehicle.

(d) Deny future parking privileges to the violator.

(e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to, the following:

(a) Blocking a roadway so as to impede the flow of traffic.

(b) Blocking a walkway so as to impede the flow of pedestrian traffic.

(c) Blocking a fire hydrant or fire lane.

(d) Creating a safety hazard.

(e) Blocking another legally parked vehicle.

(f) Parking in a marked "tow-away" zone.

(g) Leaving a vehicle unattended on campus for longer than two days.

(h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

AMENDATORY SECTION (Amending WSR 16-05-097, filed 2/17/16, effective 3/28/16)

WAC 478-120-024 Prohibited conduct. Specific instances of misconduct include, but are not limited to:

(1) **Abuse of others.** Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person.

(2) **Abuse of the student conduct process.** Abuse of the student conduct process includes:

(a) Knowingly making false allegations of misconduct under this conduct code;

(b) Attempting to coerce a person not to make a report or to participate in proceedings under this conduct code;

(c) Attempting to influence the impartiality or participation of a member of a university disciplinary committee or the faculty appeal board, any conduct officer, or any reviewing officer; or

(d) Influencing or attempting to influence another person to commit an abuse of the student conduct process.

(3) **Academic misconduct.** Academic misconduct includes:

(a) "Cheating," which includes, but is not limited to:

(i) The use of unauthorized assistance in taking quizzes, tests, or examinations; or

(ii) The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s).

(b) "Falsification," which is the intentional use or submission of falsified data, records, or other information including, but not limited to, records of internship or practicum experiences or attendance at any required event(s). Falsification also includes falsifying scientific and/or scholarly research.

(c) "Plagiarism," which is the submission or presentation of someone else's words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:

(i) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or

(ii) The unacknowledged use of materials prepared by another person or acquired from an entity engaging in the selling of term papers or other academic materials.

(d) Prohibited collaboration.

(e) Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.

(f) Multiple submissions of the same work in separate courses without the express permission of the instructor(s).

(g) Taking deliberate action to destroy or damage another's academic work in order to gain an advantage for oneself or another.

(h) The recording of instructional content without the express permission of the instructor(s), and/or the dissemination or use of such unauthorized records.

(4) **Acts of dishonesty.** Acts of dishonesty include:

(a) Knowingly furnishing false information to any university official;

(b) Impersonating, or providing false information in the name of, any university official;

(c) Forging, altering, or misusing any university document or record, or instrument of identification;

(d) Falsely claiming an academic credential; and

(e) Providing dishonest or misleadingly incomplete information or answers on application forms or in response to other official university requests for information.

(5) **Aiding, solicitation, and attempt.** The following conduct is prohibited:

(a) Aiding or abetting another student or student organization in the commission of any misconduct prohibited by this conduct code;

(b) Requesting, hiring, or encouraging another person to commit any act of misconduct prohibited by this conduct code, either intending that the other person commit the misconduct or with the knowledge that the other person intends to commit the misconduct; or

(c) Attempting to commit any act of misconduct prohibited by this conduct code.

(6) **Alcohol violations.** The unlawful possession, use, distribution, or manufacture of alcohol is prohibited. A conduct officer may elect not to initiate disciplinary action under this subsection against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of alcohol. Generally, no disci-

plinary action under this subsection will be initiated against a complainant or another reporting student, who admits to the possession or use of alcohol (in violation of this subsection) in connection with an incident of sexual misconduct.

(7) **Computer abuses.** Computer abuses include, but are not limited to:

(a) Unauthorized use of university computer resources;

(b) Use of another person's university user name and/or password;

(c) Use of university computing facilities and resources to interfere with the work of another student, an instructor, or other university official;

(d) Use of university computing facilities or resources to send intimidating, harassing, or threatening messages;

(e) Use of a computer or software to interfere with normal operations of the university's computing systems;

(f) Use of the university's computing facilities or resources in violation of any law, including copyright laws; and

(g) Any violation of the university's computer use policies.

(8) **Creating a public nuisance in neighboring communities.** In furtherance of the university's interest in maintaining positive relationships with its surrounding communities, the university shall have the authority to hold students accountable under this conduct code for misconduct within any residential or commercial communities adjacent to a university campus as follows:

(a) A student or a student organization may be subject to disciplinary proceedings if the university is made aware that the student or student organization has been contacted by a law enforcement agency regarding, and is determined to have engaged in, conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses, including, but not limited to: Creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

(b) A first minor violation under (a) of this subsection will not subject the student or student organization to disciplinary sanctions under this conduct code; however, the student or student organization may receive a letter regarding the expectations of university community members as residents in the area. This letter shall constitute a warning that repeated misconduct under this subsection may result in the imposition of disciplinary sanctions.

(c) A second violation of this subsection will result in the initiation of disciplinary proceedings under this conduct code.

(9) **Discriminatory harassment.** Discriminatory harassment is language or conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or veteran status that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or the person's ability to par-

ticipate in or benefit from the university's programs, services, opportunities, or activities.

(10) Disruption or obstruction.

(a) Disruption or obstruction includes intentionally and substantially obstructing or disrupting, through words or conduct, the teaching or learning environment of any university educational setting, or any university functions or activities.

(b) An instructor has the authority to exclude a student from any individual class session or other academic activity in which the student is disorderly or disruptive and such conduct may also be the subject of disciplinary proceedings under this conduct code.

(11) Domestic violence. Domestic violence includes:

(a) The infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury or assault committed against a family or household member. Family or household members include:

- (i) A current or former spouse or intimate partner;
- (ii) A person with whom the person shares a child in common;
- (iii) A person with whom one is cohabitating or has cohabitated; or
- (iv) A person with whom one resides including a roommate, suitemate, or housemate.

(b) Sexual assault of one family or household member by another family or household member; or

(c) Stalking, as defined in subsection (23) of this section, of one family or household member by another family or household member.

(12) Drug violations.

(a) The possession, use, distribution, or manufacture of controlled substances (as defined in chapter 69.50 RCW or Title 21 U.S.C. Sec. 802) on university premises or during university sponsored activities where such possession, use, distribution, or manufacture is illegal under federal, state, or local law is prohibited.

(b) The possession, use, distribution, or growing of marijuana in all forms is prohibited on university premises or during university sponsored activities.

(c) A conduct officer may elect not to initiate disciplinary action under this subsection against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of drugs. Generally, no disciplinary action under this subsection will be initiated against a complainant or another reporting student, who admits to the use or possession of drugs (in violation of this subsection) in connection with an incident of sexual misconduct.

(13) Failure to comply. Failure to comply includes:

(a) Any failure to comply with the directions of a university official acting in the performance of his or her duties and/or the failure to identify oneself to a university official when requested to do so.

(b) Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the university or any of its schools, colleges, and departments.

(c) Any failure to comply with any interim measures implemented pursuant to WAC 478-120-038.

(14) **Harassment or bullying.** Harassment or bullying is language or conduct that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities.

(15) Hazing.

(a) Hazing includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person. Hazing activities may include, but are not limited to, encouraging or promoting the abuse of alcohol; striking another person whether by use of any object or any part of one's body; causing someone to experience excessive fatigue or physical and/or psychological shock; and causing someone to engage in degrading or humiliating games or activities that create a risk of serious mental, emotional, and/or physical harm. Consent of a victim or victims is not a defense to an allegation of hazing.

(b) Hazing does not include generally accepted practice, training, and conditioning activities, or activities reasonably designed to test a participant's ability to meet eligibility requirements for established athletic events such as intramural or club sports, intercollegiate athletics, or other similar contests or competitions.

(16) **Indecent exposure.** Indecent exposure includes the exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm, or is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.

(17) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons.

(a) Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities are not permitted on university premises, except for authorized university purposes, or unless prior written approval has been obtained from the chief of the university police department, or any other university official designated by the president of the university.

(b) Firearms include, but are not limited to, what are commonly known as air guns or rifles, BB guns, and pellet guns, and any instrument used in the propulsion of shot, shell, bullets, or other harmful objects by:

- (i) The action of gunpowder or other explosives;
- (ii) The action of compressed air; or
- (iii) The power of springs or other forms of propulsion.

(c) The exhibition or display of a replica ((☞)) of a dangerous weapon prohibited under this subsection is also prohibited if done in a manner, and at a time or place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(18) **Relationship violence.** Relationship violence, also referred to as "dating violence," is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(a) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(b) For the purposes of this definition, relationship or dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(c) Relationship or dating violence does not include acts covered under the definition of domestic violence.

(19) **Retaliation.** Retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, or improperly influence any person who:

(a) Files a complaint, grievance, or allegation of misconduct under any university policy or rule or under any law;

(b) Participates in and/or cooperates with an investigation;

(c) Appears as a witness at a hearing; or

(d) Opposes an unlawful act, discriminatory practice, or policy.

(20) **Sexual assault.**

(a) Sexual assault is sexual contact with another person without, or that exceeds, that person's consent.

(b) For the purposes of this subsection, "sexual contact" includes:

(i) Any touching of another person for the purposes of sexual gratification; or

(ii) Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ, of another person.

(c) For the purposes of this subsection:

(i) "Consent" means that at the time of and throughout the sexual contact, there are actual words or conduct indicating freely given agreement between the parties to engage in the sexual contact.

(A) Past consent does not imply future consent.

(B) Consent given to one person does not imply consent given to another person.

(C) Consent to one sexual act does not imply consent to other sexual acts.

(D) Lack of resistance to sexual contact does not imply consent.

(E) Consent can be withdrawn at any time.

(ii) Consent cannot be given or granted by a person who, at the relevant time, cannot understand the facts, nature, extent, or implications of the sexual contact for any reason including, but not limited to, being asleep, unconscious, mentally or physically impaired due to an intellectual or other disability, or mentally or physically incapacitated due to the effects of drugs or alcohol.

(A) Indicators that a person may be incapacitated by drugs or alcohol and therefore, cannot grant consent include, but are not limited to: Stumbling, falling down, an inability to stand or walk on their own, slurred speech or incoherent communication, an inability to focus their eyes or confusion about what is happening around them, passing out, or vomiting.

(B) A failure to exhibit any of these behaviors does not necessarily mean that a person is capable of giving consent or is not incapacitated.

(d) Sexual contact is not consensual when force or coercion is threatened or used to gain acquiescence.

(i) Force includes the use of physical violence, physical force, threats, or intimidation to overcome resistance or gain agreement to sexual contact.

(ii) Coercion includes using pressure, deception, or manipulation to cause someone to agree to sexual contact against that person's will, without the use of physical force. Pressure can mean verbal or emotional pressure.

(e) Sexual assault also includes sexual contact with a person who is under the statutory age of consent in accordance with chapter 9A.44 RCW.

(f) Use of alcohol or drugs is not a valid defense to a violation of this subsection.

(21) **Sexual exploitation.** Sexual exploitation includes:

(a) Taking nonconsensual or abusive advantage of another for one's own sexual benefit, or for the sexual benefit of anyone other than the one being exploited;

(b) Compelling another by threat or force to engage in sexual conduct or activity;

(c) Transmitting, distributing, publishing, or threatening to transmit, distribute, or publish photos, video, or other recordings of a private and sexual nature where such transmission, publication, or distribution is without the consent of the subject(s) and is likely to cause emotional distress to the subject(s);

(d) Taking or making photographs, films, or digital images of the private body parts of another person without that person's consent;

(e) Causing or attempting to cause the impairment of another person to gain nonconsensual sexual advantage over that person;

(f) Prostituting another person;

(g) Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity; or

(h) Taking, making, or directly transmitting nonconsensual video or audio recordings of sexual activity.

(22) **Sexual harassment.** Sexual harassment is language or conduct of a sexual nature that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance or a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities.

(23) **Stalking.**

(a) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for the person's safety or safety of others; or

(ii) Suffer substantial emotional distress.

(b) For the purposes of this subsection, "course of conduct" means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows,

monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(c) For the purposes of this subsection, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(24) **Theft.** Theft is the taking of property or services without express permission of the owner. This includes, but is not limited to, taking, possessing, or aiding another to take university property or services, or property belonging to members of the university community.

(25) **Unauthorized keys, entry or use.** The unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any university premises is prohibited, as is the unauthorized entry upon or use of university premises or property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

(26) **Unauthorized recording.** The following conduct is prohibited:

(a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy.

(b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

(27) **Vandalism.** Vandalism includes maliciously damaging or misusing university property, or the property of any member of the university community.

(28) **Violation of disciplinary sanctions.** The violation of any term or condition of any final disciplinary order issued under this conduct code, or the failure to complete a disciplinary sanction in the specified time frame, may be grounds for additional disciplinary action.

(29) **Violation of law.** Any conduct that would constitute a violation of any federal, state, or local criminal law may be the subject of disciplinary proceedings under this conduct code.

AMENDATORY SECTION (Amending WSR 16-05-097, filed 2/17/16, effective 3/28/16)

WAC 478-120-145 Recording and maintenance of records. (1) Records related to disciplinary proceedings shall be maintained consistent with university records retention policies and this conduct code.

(2) The president, vice president for student life at the University of Washington Seattle campus, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates, shall keep records related to all disciplinary actions reported to their respective offices and may notify the dean or director of the college, school, or program, in which a respondent is enrolled, of any action related to disciplinary proceedings involving the respondent, provided that the school official to whom the information is being disclosed has a legitimate educational interest in receiving such information, as permitted by FERPA.

(3) Records related to disciplinary proceedings shall be kept separate from academic records, and respondents' offi-

cial academic transcripts shall not contain any notation of disciplinary action taken pursuant to this conduct code.

(4) The deans of a college or school at the University of Washington Seattle, the deans or directors of a school or program at the University of Washington Bothell and Tacoma campuses, or their delegates, shall maintain records related to all disciplinary matters reported to their respective offices and shall notify the office of the vice president for student life, the office of the chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, of any disciplinary action imposed against a respondent, who is enrolled in their college, school, or program. The university officials named in this section shall also inform the appropriate registrar of any action affecting a student's official standing in the university (e.g., suspension or dismissal).

(5) The chairs of the faculty appeal board and university disciplinary committees shall maintain the official record (as indicated in RCW 34.05.476) of each disciplinary hearing until a final order is issued or entered. At such time the respective chair will transmit the official record to the vice president for student life, the chancellor for the University of Washington Bothell, or the chancellor for the University of Washington Tacoma, whoever is appropriate, or their delegates, who will maintain the official record in accordance with this section.

(6) Disciplinary records of respondents not exonerated shall be maintained for seven years after the resolution of all disciplinary proceedings (including the resolution of any petition for judicial review filed in superior court) or until the administrative purpose for retention has been served, whichever is later. Final orders imposing suspension or dismissal may be maintained indefinitely.

(7) Student disciplinary records are "education records" as defined by FERPA and may only be disclosed consistent with FERPA and chapter 478-140 WAC.

AMENDATORY SECTION (Amending WSR 03-08-040, filed 3/27/03, effective 4/1/04)

WAC 478-132-030 University calendar. The calendar at the university consists of four quarters, which normally begin and end as follows:

(1) The autumn quarter shall begin on the last Wednesday in September and end on the twelfth Friday thereafter.

(2) The winter quarter shall begin on the first Monday after January 1 and end on the eleventh Friday thereafter. When January 1 falls on Sunday, the winter quarter shall begin on Tuesday January 3; when January 1 falls on Monday, the winter quarter shall begin on Wednesday January 3.

(3) The spring quarter shall begin on the second Monday after the close of winter quarter and end on the eleventh Friday thereafter. The June commencement for UW Seattle shall be the Saturday immediately following the last day of spring quarter.

(4) The summer quarter shall begin on the second Monday following the June commencement and end on the ninth Friday thereafter.

(5) Certain academic programs may begin or end on schedules different from those in subsections (1) through (4)

of this section with the approval of the provost. In such cases, it will be the responsibility of the appropriate dean to provide advance notice to the affected students.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

WAC 478-136-015 Delegated and administrative responsibilities. (1) The board of regents has delegated to the president of the university the authority to regulate the use of university facilities.

Under this authority, the president has acted or will act as follows:

(a) Delegate to the chair for the committee on the use of university facilities with respect to facilities located on or governed by those located on the Seattle campus and for all other university facilities except for those located on the campuses for which there is a chancellor, the authority to review the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate. Inquiries to the chair for the Seattle campus should be directed to:

University of Washington Seattle
Seattle Chair of the Committee on the Use of
University Facilities
Box ((351241)) 352230
Seattle, WA ((98195-1241)) 98195-2230

(or phone: 206-543-9233, or email sprogram@uw.edu).

(b) Delegate to the chancellors of the University of Washington campuses, with respect to facilities located on or governed by those located on their campus, the authority to review the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate.

(c) Delegate the chancellors the authority to subdelegate the authorities provided for in (b) of this subsection to a chair of the committee on the use of university facilities for facilities located on or governed by those located on their respective campuses. For the current UW campuses, other than the Seattle campus, inquiries concerning the use of university facilities may be directed to:

University of Washington Bothell
Bothell Chair of the Committee on the Use of
University Facilities
Office of the Vice Chancellor for Administration and
Planning
Box 358520
18115 Campus Way N.E.
Bothell, WA 98011

or

University of Washington Tacoma
Tacoma Chair of the Committee on the Use of
University Facilities
1900 Commerce Street, GWP 312

Box 358430

Tacoma, WA 98402

(or, for the University of Washington Tacoma, phone: 253-692-5645).

(d) Directs the chairs for each committee on the use of university facilities to confer with one another to promote a uniform application of this chapter.

(2) Sponsorship of an event by an academic or administrative unit of the university implies that an official with authority to make such decisions for the academic or administrative unit has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded, on behalf of his or her academic or administrative unit, that the event is consistent with this chapter.

(3) Approval of a facilities use request by the appropriate committee chair means that the committee chair has determined that the proposed event is consistent with this chapter.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

WAC 478-136-030 Limitations on use. (1) First priority for the use of campus facilities shall be given to regularly scheduled university activities. Additionally, use of university facilities may be subject to reasonable time, place, and manner restrictions that take into account, among other considerations, the general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods, and the general public.

(2) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. No activity may obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people and vehicles.

(3) University facilities may be used for political activities (including events and forums regarding ballot propositions and/or candidates who have filed for public office) only if the event has been sponsored by an administrative or academic unit and approved by the appropriate committee chair, and subject to the following limitations:

(a) The full rental cost of the facility must be paid and state funds may not be used to pay rental costs or any other costs associated with the event.

(b) All candidates who have filed for office for a given position, regardless of party affiliation, must be given equal access to the use of facilities within a reasonable time.

(c) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(d) University facilities may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(4) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the appropriate chair of the committee on the use of university facilities (see also subsection (7) of this section, concerning residence halls).

Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate committee chair. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee chair may determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Outdoor electronic amplification is prohibited with the following exceptions:

(a) The lawn area immediately west of the Seattle campus Husky Union Building (HUB) will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee chair with authority to permit the use of a facility may grant permission for the use of amplification equipment in other outdoor locations. Permission should be requested from the appropriate committee chair sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance

with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in university facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed under a permit or license as provided in WAC 478-136-041. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Except for designated outdoor smoking sites, as provided in WAC 478-136-035, smoking is prohibited in all portions of all athletic stadia, including, but not limited to, the seating areas, public concourses, and enclosed and covered spaces.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other university auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the

scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo but may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(13) The university will not make its facilities or services available to organizations which do not assure the university that they do not discriminate against any person ~~((because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran))~~ as defined in the university's Executive Order No. 31, Non-discrimination and Affirmative Action, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(14) Individuals who violate the university's use of facilities rules and approved users who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals may be requested to leave university property or be refused future use of university facilities. Failure to comply with a request to leave university property could subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

AMENDATORY SECTION (Amending WSR 14-13-079, filed 6/16/14, effective 7/17/14)

WAC 478-136-041 Alcoholic beverage policy. Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(1) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor ~~((control))~~ and cannabis board.

(2) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor ~~((control))~~ and cannabis board must be followed.

(3) Alcoholic beverages may be possessed, sold, served, and consumed at the University of Washington club, as so designated by the university board of regents to the Washington state liquor ~~((control))~~ and cannabis board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor ~~((control))~~ and cannabis board.

(4) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant

to apply and hold a license issued by the Washington state liquor ~~((control))~~ and cannabis board.

(5) Except as provided in subsections (3) and (4) of this section, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses issued by the Washington state liquor ~~((control))~~ and cannabis board (including third-party vendors with a caterer's business license with liquor endorsement) and only as follows:

(a) Events at which alcohol is to be possessed, sold, served, or consumed must be approved by the appropriate committee chair for the committee on the use of university facilities and an application to the chair must be accompanied by a request for written authorization under subsection (6) of this section or proof that the seller holds an appropriate license; and

(b) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must:

(i) Be within designated areas and must have restricted attendance; or

(ii) Operate under a sport entertainment facility license issued by the Washington state liquor ~~((control))~~ and cannabis board; and

(c) A university unit, or an individual or organization applying for a permit/license must have obtained approval under subsection (6) of this section; and

(d) Sale, service, and consumption of alcohol is to be confined to the specified room or area identified on the license or permit.

(6) Written authorization to apply for a special occasion license or a banquet permit must be obtained from the appropriate committee chair for the committee on the use of university facilities prior to applying for a special occasion license or banquet permit from the Washington state liquor ~~((control))~~ and cannabis board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor ~~((control))~~ and cannabis board at least forty-five days or more before the event.) Written authorization to apply for such a permit/license shall accompany the application filed with the Washington state liquor ~~((control))~~ and cannabis board.

(7) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

WAC 478-136-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable university policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to a nonuniversity organization, a registered student organization, or an official student government for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, the sale of alcohol, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the university's office of compliance and risk (~~(management)~~) services before approval for the requested use will be granted.

AMENDATORY SECTION (Amending WSR 06-13-022, filed 6/13/06, effective 8/1/06)

WAC 478-137-010 Purpose. The colocated campus of the University of Washington, Bothell, and Cascadia (~~(Community)~~) College operates joint facilities that provide benefits to each educational institution. The purpose of this chapter is to define the facilities jointly operated by the institutions and to ensure that these joint facilities are reserved primarily for activities related to the educational missions of the institutions. Further, the joint facilities may be used for a variety of activities, providing the primary function the facility or space was intended to serve is not compromised. Reasonable time, place, and manner restrictions may be placed on the use of joint facilities.

The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the institutions. Rules for the use of dedicated facilities of the University of Washington, Bothell, and Cascadia (~~(Community)~~) College are governed by chapter 478-136 WAC and chapter (~~132Z-140~~) 132Z-141 WAC, respectively.

AMENDATORY SECTION (Amending WSR 06-13-022, filed 6/13/06, effective 8/1/06)

WAC 478-137-020 Definitions. (1) "College" shall mean Cascadia (~~(Community)~~) College.

(2) "Institutions" shall mean University of Washington, Bothell, and Cascadia (~~(Community)~~) College.

(3) "Joint facilities" shall mean those structures, spaces, campus grounds, and parking lots operated jointly by the institutions. Specific rules also apply to parking lots (chapters 132Z-116 and 478-117 WAC).

(4) "University" shall mean University of Washington, Bothell.

(5) "Use of facilities" includes, but is not limited to: The holding of classes, events, the posting and removal of signs, all forms of advertising, commercial and community activities, and charitable solicitation.

(6) "Wetlands" shall mean campus grounds to the east of Campus Way N.E. and east of 110th N.E. between N.E. 185th and Beardslee Blvd., and the Chase House.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

WAC 478-137-030 Administrative authority. (1) The board of regents of the University of Washington and the board of trustees for Cascadia (~~(Community)~~) College have delegated to the chancellor of the university and the president

of the college, respectively, the authority to regulate the use of joint facilities on the colocated campus.

(2) Under this authority, the chancellor of the university and the president of the college designate the coordination for use of joint facilities to an appointed joint committee on facility use and designate the use of the wetlands to the wetlands oversight committee. The chancellor of the university and the president of the college shall each appoint representatives to the joint committee on facility use to develop suggested event procedures. Each designee shall review the use of the facilities; establish administrative procedures governing such use that are consistent with these rules; approve or disapprove requested uses and establish policies regarding fees and rental schedules unique to joint facilities as appropriate. Additionally, the joint committee on facility use shall act as an appeals board for decisions of the wetlands oversight committee regarding wetlands use requests. Inquiries concerning the use of joint facilities may be directed to:

University of Washington, Bothell
Office of Administrative Services
Joint Facilities Use Coordinator
Box 358535
18115 Campus Way N.E.
Bothell, WA 98011

(Phone: 425-352-3556 or email: facuse@uwb.edu); and

Cascadia (~~(Community)~~) College
(~~(Finance and Operations)~~)
Office of Administrative Services
(~~(Director of Auxiliary Services and Capital Projects)~~)
Facilities Coordinator
18345 Campus Way N.E.
Bothell, WA 98011

(Phone: (~~425-352-8269~~) 425-352-8000).

(3) Preliminary approval of an event by an academic or administrative unit of the university or college implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the institutions.

(4) Final approval of a joint facilities use request by the appropriate designee on the use of joint facilities implies that the designee has reviewed the proposed event with regard to: The rules in this chapter; the direct and indirect costs to the institutions; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the institutions, surrounding neighborhoods and the general public.

(5) The institutions will not make their joint facilities or services available to organizations that do not assure the institutions that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The institutions will not make their joint facilities or services available to organizations which do not assure the institutions that they do not discriminate against any person

((because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran)), as defined in the university's Executive Order No. 31, Nondiscrimination and Affirmative Action and the college's nondiscrimination statement, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the institutions' use of joint facilities regulations and approved users who violate the institutions' contract terms for use of joint facilities may be advised of the specific nature of the violation and individuals may be requested to leave the property or be refused future use of joint facilities. Failure to comply with a request to leave the property may subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

AMENDATORY SECTION (Amending WSR 14-17-097, filed 8/19/14, effective 9/19/14)

WAC 478-137-050 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of university and college life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activities. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled university and college activities.

(b) Joint facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on joint property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside joint facility buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the institutions is not disrupted and entrances to and exits from buildings are not blocked.

(f) Joint facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular media or publications of the institutions. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-137-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and placement of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the university or college.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university and college community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws. This provision does not prohibit use of joint facilities where a university or college employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Use of University of Washington facilities (chapter 478-136 WAC) and Cascadia ((Community)) College facility use (chapter ((132Z-140)) 132Z-141 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards. "Smoke" or "smoking" refers to the carrying or smoking of any kind of

lighted pipe, cigar, cigarette, electronic cigarette, or any other kind of lighted smoking equipment.

(a) Smoking is prohibited inside all university or college vehicles, inside buildings and parking structures owned or occupied by the university or college and/or used by university or college faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor (~~(control)~~) and cannabis board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor (~~(control)~~) and cannabis board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor (~~(control)~~) and cannabis board.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only under permits/licenses issued by the Washington state liquor (~~(control)~~) and cannabis board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the joint committee on facility use and an application to the committee must be accompanied by a request for written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) A university or college unit or an individual or organization applying for a permit/license must have obtained approval under (e) or (f) of this subsection; and

(iii) Sale, service, and consumption of alcohol is to be confined to the specified room or area identified on the license or permit.

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor (~~(control)~~) and cannabis board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor (~~(control)~~) and cannabis board at least forty-five days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor (~~(control)~~) and cannabis board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the university chancellor or college president prior to applying for the permit from the Washington state liquor (~~(control)~~) and cannabis board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit application filed with the Washington state liquor (~~(control)~~) and cannabis board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-138-030 Use of university stadium boat moorage facilities—Stadium boat moorage facilities—

Area defined. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay which provide water access to the University of Washington shoreline on home football game days, or for other special events as determined by the university.

(b) The stadium boat moorage facilities shall also include such other specified areas along or adjacent to the university shoreline, as designated by the (~~(senior)~~) executive vice president for finance and ((facilities)) administration, that provide access to the university shoreline on home football game days, or for other special events as determined by the university. The activities for which these additional stadium boat moorage facilities may be used include, but are not limited to: Moorage of water related vessels; and loading, unloading, or transporting passengers to and from water related vessels. All other uses of the university shoreline shall be under the authority of the (~~(senior)~~) executive vice president for finance and ((facilities)) administration.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area, or otherwise not in compliance with this chapter will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (Criminal trespass), or other applicable law.

(2) In the event the university permits a (~~(non-university)) nonuniversity~~) vessel use of the stadium boat moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

The (~~(senior)) executive vice president for finance and ((facilities)) administration~~) shall have the authority to establish such conditions as are necessary or appropriate to enhance safety and to protect the university from liability in connection with the use of the stadium boat moorage facilities.

AMENDATORY SECTION (Amending WSR 03-12-007, filed 5/22/03, effective 6/22/03)

WAC 478-140-018 Education records—Student's right to inspect. (1) A student has the right to inspect and review his or her education records except where otherwise provided in this chapter.

(a) The term "education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the university.

(b) Types of education records, and the university officials responsible for those records, include, but are not limited to:

(i) Official transcripts of courses taken and grades received, records relating to prior education experience, and admission records. The executive director of admissions and records, whose office is located in Schmitz Hall, is responsible for the maintenance of such records. In addition, the director of graduate admissions, whose office is located in Loew Hall, is responsible for the maintenance of certain admission and current education status records for graduate students, as are the admission directors of the professional schools of dentistry, law, medicine and pharmacy.

(ii) Tuition and fee payment records. The ~~((manager))~~ director of the student ~~((accounts))~~ fiscal services office, located in Schmitz Hall, is responsible for the maintenance of such records.

(iii) Student disciplinary records. The vice president for student ~~((affairs, whose office is located in Schmitz Hall,))~~ life is responsible for the maintenance of such records.

(iv) Education records relating to a student's particular field of study may be maintained by the departments and colleges throughout the university. Where such education records are so maintained, the respective chair or dean of the department or college is responsible for maintenance of the records.

(c) The term "education records" does not include:

(i) Any record of instructional, supervisory, administrative or educational personnel which is in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. For the purposes of this subsection, substitute means:

(A) A person who is providing instruction in place of or as assistant to the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction~~((;))~~; or

(B) A person who is supervising a student's thesis or research progress in place of or as an assistant to the regularly assigned faculty member during a prolonged absence.

(ii) Records created and maintained by the University of Washington police department for the purposes of law enforcement, except that education records created by another university department remain education records while in the possession of the police department.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes; however, records concerning a student who is employed as a result of his or her status as a student (e.g., graduate student

service appointments) shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Health care records on a student that are created or maintained by a health care provider or health care facility in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, the student, or a health care provider of the student's choice (see also chapter 70.02 RCW).

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the university (e.g., information pertaining to the accomplishment of an alumnus or alumna).

(2)(a) Confidential recommendations, evaluations or comments concerning a student, shall nonetheless be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically waive his or her right to inspect and review education records where the information consists only of confidential recommendations respecting the student's:

(i) Admission to the University of Washington or any other educational institution, or component part thereof~~((;))~~; or

(ii) Application for employment~~((;))~~; or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to inspect and review confidential statements shall be valid only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning the student, the dates of such confidential statements and the purpose or purposes for which the statements were provided~~((;))~~; and

(ii) Such confidential statements are used solely for the purpose or purposes for which they were provided~~((;))~~; and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the university~~((;))~~; and

(iv) Such waiver is in writing and signed and dated by the student.

(d) Such a waiver may be revoked, in writing, by the student; however, the revocation will be effective only for confidential statements or records dated after the date of the revocation.

(e) Confidential recommendations, evaluations or comments concerning a student prior to January 1, 1975, shall not be subject to release under WAC 478-140-018 (2)(a); however, upon request the student shall be notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the university only for the purpose or purposes for which they were provided.

(3) Where requested education records include information on more than one student, the student making the request shall be entitled to inspect, review or be informed of only the specific portion of the record about that student.

(4) A student may not inspect and review education records that are or contain financial records of his or her parents.

(5) Students may obtain copies of their education records. Charges for copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved for certain specified services).

(a) The university may refuse to provide copies of education records including transcripts and diplomas in the following circumstances:

(i) If the record is a secure exam as determined by the department that maintains the exam, so that the integrity of such exams may be protected;

(ii) If the student has outstanding debts owed to the university, so that the university may facilitate collection of such debts;

(iii) If disciplinary action is pending or sanctions are not completed.

(b) The university must provide copies of education records, subject to the provisions of (a) of this subsection, in the following circumstances:

(i) If failure to do so would effectively prevent the student from inspecting and reviewing a record;

(ii) When records are released pursuant to a student's consent and the student requests copies; and

(iii) When the records are transferred to another educational agency or institution where the student seeks or intends to enroll and the student requests copies.

(6) The office of the registrar is the only office which may issue an official transcript of the student's academic record.

(7) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 478-140-018 or 478-140-021 be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending WSR 14-17-097, filed 8/19/14, effective 9/19/14)

WAC 478-156-016 Family housing apartments—Assignment and unit size eligibility. Residents must be enrolled as full-time students at the University of Washington three of the four quarters of an academic year, and be married couples; registered, same-sex domestic partners (that is, the partnerships are registered with jurisdictions where domestic partner registrations are offered); or single parents with dependent children. In addition, financial eligibility must be verified prior to move-in for those students in priority groups (1) through (3), which are described in WAC 478-156-017. The office of student financial aid will update financial need figures for family housing eligibility and will evaluate the resources of each new applicant to determine if their requirements for financial assistance exceed the established need figures. ~~((Separate financial need figures are established for each unit size.))~~ Any expenses related to the processing of the financial aid form will be borne by the applicant or the current resident. Assignment eligibility criteria for each unit size

of university-owned housing is specific to the property and outlined on the University of Washington, Seattle housing and food services web site.

Changes to these eligibility criteria shall be approved through the office of the vice president for student life after consultation with student leadership from the Associated Students of the University of Washington (ASUW) and the Graduate and Professional Student Senate (GPSS).

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-160-085 Application to graduate school. Prospective applicants to the graduate school may obtain information about degree programs and the online application process on the graduate school web site or by an email request to uwgrad@u.washington.edu ~~((for U.S. citizens, permanent residents ((and)), immigrants(()), or ((to gradvisa@u.washington.edu for)) international applicants.~~

Questions may be directed to uwgrad@u.washington.edu, or the graduate school at the following address:

University of Washington
Office of Graduate Admissions
301 Loew Hall
P.O. Box 84808
Seattle, WA 98124-6108

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-090 Additional considerations in determination of significance and scoping. (1) Scoping shall be used for ~~((EIS's))~~ EISs and supplemental ~~((EIS's))~~ EISs.

(2) The university shall notify members of the SEPA advisory committee, the city-university community advisory committee, agencies with jurisdiction, and others on the university SEPA mailing list of the DS and the initiation of this scoping process. Written comments shall be provided to the university within twenty-one days of the issuance of the DS.

AMENDATORY SECTION (Amending WSR 14-17-097, filed 8/19/14, effective 9/19/14)

WAC 478-324-130 Establishment of the SEPA information web site. (1) The University of Washington capital ~~((projects))~~ **planning and development** office shall serve as the location for the university's SEPA information web site.

(2) The following documents shall be maintained at the SEPA information web site:

(a) All SEPA public information registers for a period of one year from the date of publication.

(b) All environmental checklists, determinations of non-significance and determinations of significance for a period of one year from the date of issue.

(c) All current scoping and public hearing notices.

(d) All draft and final EISs for a period of three years after the date of publication.

(e) All draft and final EISs which have been incorporated by reference shall be maintained at the SEPA information

web site for the same time period as the underlying document is maintained.

(f) A current list of individuals designated as responsible officials for university compliance with SEPA.

(g) A current membership list of the SEPA advisory committee.

(h) Agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.

(3) The documents at the SEPA information web site shall be available for public inspection online.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-150 Additional definitions. (1) "Final action" means the university's decision to proceed or not proceed with a proposal and is so defined in compliance with public notice requirements, RCW 43.21C.080. For proposals involving a series of decision points, the final action shall be clearly identified in the environmental checklist and/or EIS. The point at which the final action is made during the planning process may vary depending upon the nature of the proposal, but at no time shall the final action occur before fourteen days following issuance of a DNS or seven days following issuance of an FEIS.

(2) "SEPA mailing list" means a current list maintained at the capital (~~(projects)~~) planning and development office at the university of all individuals, groups, and agencies who have communicated to the university their interest in SEPA policies, procedures, and documents. This list shall include the city-university community advisory committee and all community organizations represented on the committee, including those with alternative representation.

AMENDATORY SECTION (Amending WSR 03-12-007, filed 5/22/03, effective 6/22/03)

WAC 478-324-180 Designation of responsible official. The associate vice president for capital (~~(projects)~~) planning and development or his or her designee shall serve as the responsible official for all university projects.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-190 Procedures on consulted agencies. The capital (~~(projects)~~) planning and development office shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, (~~(EIS's)~~) EISs, and supplemental (~~(EIS's)~~) EISs.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-200 Determining the lead agency. (1) Except as otherwise specially provided herein, the university shall serve as the lead agency for all proposals.

(2) When the total proposal will involve both private and university construction activity, it shall be characterized as either a private or a university project for the purposes of lead

agency designation, depending upon whether the primary sponsor or initiator of the project is the university or a private party. Any project in which university and private interests are too intertwined to make this characterization shall be considered a university project.

(3) The university's responsibilities as lead agency include complying with the threshold determination procedures; the initiation and administration of the scoping process; the supervision or actual preparation of draft (~~(EIS's)~~) EISs, including the circulation of such statements, the conduct of any public hearings or public meetings required by these rules; and the supervision or preparation of required final (~~(EIS's)~~) EISs and supplemental (~~(EIS's)~~) EISs.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-210 Determination of lead unit. (1) For university actions subject to SEPA, the capital (~~(projects)~~) planning and development office shall be charged with the university's lead agency responsibilities.

(2) The capital (~~(projects)~~) planning and development office shall have primary university responsibility for providing procedural advice with regard to these rules.

(3) All university units with environmental expertise should strive to make their services available to the capital (~~(projects)~~) planning and development office to assist in the university's compliance with SEPA.

AMENDATORY SECTION (Amending WSR 01-08-007, filed 3/22/01, effective 4/22/01)

WAC 478-355-010 Authority. This chapter is enacted by the board of regents of the University of Washington pursuant to RCW 39.04.155 authorizing the university to establish a small works roster for public works projects with an estimated cost of less than (~~(two)~~) three hundred thousand dollars.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

WAC 478-355-020 Purpose. To expedite the award of public work contracts at minimum cost, the University of Washington (~~(senior)~~) executive vice president for finance and (~~(facilities)~~) administration is authorized to establish a small works roster.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

WAC 478-355-030 Project construction cost. Whenever the estimated project construction cost of any University of Washington public work is less than (~~(two)~~) three hundred thousand dollars, the University of Washington (~~(senior)~~) executive vice president for finance and (~~(facilities)~~) administration is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

WAC 478-355-060 Administration. The ((~~senior~~)) executive vice president for finance and ((~~facilities~~)) administration is authorized to establish procedures for university use of its small works roster.

WSR 17-08-100
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed April 5, 2017, 11:04 a.m.]

Title of Rule and Other Identifying Information: WAC 220-352-180 Duties of commercial purchasers and receivers, 220-352-110 Description of Washington state electronic fish receiving ticket, 220-352-140 Signatures, 220-352-050 Required information on nontreaty fish receiving tickets, and 220-370-070 Aquatic farm registration form—Required information.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY June 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to make technical changes to several WAC sections including the correction of internally inconsistent WAC references and the removal of invalid RCW references.

Reasons Supporting Proposal: This set of rule changes is the last phase of the agency's WAC recodification project which took place earlier this year. The recodification project involved consolidation of Titles 220 and 232 WAC into Title 220 WAC and making technical changes to WAC sections that included the correction of internally inconsistent WAC references and misspellings and the removal of invalid RCW references and defunct agency names.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.045, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [Department of fish and wildlife], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Bird, 1111 Washington Street

S.E., Olympia, WA, (360) 902-2403; and Enforcement: Chief Chris Anderson, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.

April 5, 2017

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-352-050 Required information on nontreaty fish receiving tickets. (1) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC ((~~220-69-230~~) 220-352-040 (2)(a) through (m) and (p) through (y) on each nontreaty fish receiving ticket, except as provided in subsection (5) of this section.

(2) A valid license card or duplicate license card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC ((~~220-69-230~~) 220-352-040 (2)(a) through (e), except as provided in WAC ((~~220-69-273~~) 220-352-150.

(3) A valid dealer or buyer card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC ((~~220-69-230~~) 220-352-040 (2)(h) and (i).

(4) December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from the Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly in the space indicated for dealer's use.

(5) A person who sells or receives deliveries of fish made from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 may use an electronic fish receiving ticket to enter mandatory information in lieu of completing a nontreaty fish receiving ticket, so long as:

(a) All information required under WAC ((~~220-69-256~~) 220-352-120 is entered on the electronic fish receiving ticket;

(b) Both the fisherman and original receiver sign a legible, printed copy of the original electronic fish receiving ticket, plus all amended copies declaring the document and information contained therein as being true and accurate, and submit those signed copies as prescribed in WAC ((~~220-69-260~~) 220-352-060; and

(c) A signed copy of the electronic fish receiving ticket and all amended copies are maintained by the original receiver at the original receiver's place of business for 3 years after the date of initiation.

(6) Violation of this section is a gross misdemeanor or a class C felony punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-352-110 Description of Washington state electronic fish receiving ticket. (1) There is hereby created a nontreaty electronic fish receiving ticket. Electronic forms are available for deliveries of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660. The electronic form shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer and department number assigned to licensed deliverer;
- (b) Address: Address of licensed deliverer;
- (c) Boat name: Name or Coast Guard number of landing vessel;
- (d) WDFW boat registration: Washington department of fish and wildlife boat registration number;
- (e) Gear: Code number or name of specific gear type used;
- (f) Fisherman's signature: Signature of licensed deliverer;
- (g) Date: Date of landing;
- (h) Dealer: Name of dealer and department number assigned to dealer;
- (i) Buyer: Name of buyer and department number assigned to buyer;
- (j) Receiver's signature: Signature of original receiver;
- (k) Number of days fished: Days spent catching fish;
- (l) Catch area: Marine fish/shellfish management and catch reporting area code where the majority of the marine fish were caught or harvested;
- (m) Species code: Department assigned species code;
- (n) Individual numbers of fish species, if such fish are landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish rather than in pounds;
- (o) The scale weight of all fish, to include fish with no value. However, if the department allows a species of fish to be dressed, and the fish is dressed as the department requires, such fish can be recorded in its original dressed weight and designated as dressed on the fish receiving ticket;
- (p) Value of fish sold or purchased: Summary information for species, or species groups landed as described in (q) of this subsection;
- (q) Description of species or species category: All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC ((~~220-44-050~~)) 220-355-100), and all others must be described with the relevant category or species name issued by the department;
- (r) Federal limited entry permit number granting authority for the delivery. The weight and value of sablefish delivered by vessels participating in the primary sablefish season authorized under 50 C.F.R., Part 660, Subpart E, Section 231 must be reported by individual sablefish limited entry permit number;
- (s) All legally defined gear as defined in 50 C.F.R. 660, Subpart D, and WAC ((~~220-44-030~~)) 220-355-070, aboard the vessel at the time of delivery;
- (t) Total amount: Total value of landing;
- (u) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use;

- (v) Seized/overage: Species and pounds of fish or shellfish; and

- (w) Work area for dealer's use: Used at dealer's discretion.

(2) The electronic fish receiving ticket shall be used exclusively for nontreaty deliveries of fish harvested by participants lawfully involved in the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-352-140 Signatures—Fish receiving tickets. (1) It is unlawful for the deliverer or original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(2) It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket to certify that all entries on the ticket are accurate and correct. It is unlawful for the original receiver of treaty food fish or shellfish to fail to sign the completed treaty Indian fish receiving ticket.

(3) It is unlawful for the deliverer or original receiver of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW ((~~77-15-560~~)) 77.15.630.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.630.

(4) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the agent has first obtained an alternate operator's license for the fishing vessel operated by the fisherman.

(5) If the receiver receives the fish or shellfish by any method other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and together with the transportation ticket. The receiver shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-352-180 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

- (a) Be a licensed wholesale fish dealer or fish buyer; and
- (b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

(i) The original receiver must record each delivery on a separate fish receiving ticket; and

(ii) The original receiver must prepare a fish receiving ticket for purchases of fish or shellfish from fishers who are also fish dealers if the fisher/dealer has not previously completed a fish receiving ticket and provided a copy of the fish receiving ticket or the ticket number as proof.

(2) Failure to be licensed under subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

(4) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish that are unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for those fish or shellfish.

(5) Any employee of a licensed wholesale dealer who is authorized to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer the buyers are operating under is responsible for the accuracy and legibility of all documents initiated in its name.

(6) This section does not apply to purchases or receipts made by individuals or consumers at retail.

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken by the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 if such persons are in compliance with the provisions of WAC (~~(220-69-250)~~) 220-352-050(5) and:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site;

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the department no later than twenty-four hours after the date the fish are received; and

(c) Electronically submit any amendments made to the mandatory information required under WAC (~~(220-69-256)~~) 220-352-120 after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

(a) The term "completed" means that scale weights have been recorded for all delivered fish; and

(b) The term "submitted" means that all mandatory information required under WAC (~~(220-69-256)~~) 220-352-120 has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

(a) It is unlawful for any person receiving forage fish or mackerel to fail to report the forage fish or mackerel on fish receiving tickets initiated and completed on the day the forage fish or mackerel are delivered.

(i) Herring must also be reported on herring harvest logs.

(ii) The harvested amount of forage fish or mackerel must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel.

(iii) An estimate of herring, candlefish, anchovy, sardine or mackerel caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery or coastal mackerel fishery, it is unlawful to purchase, per sardine or mackerel fishery vessel, more than fifteen percent cumulative weight of sardine or mackerel for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine or mackerel fishery season. Sardine and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery or in the mackerel purse seine fishery, it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(10) Geoduck: It is unlawful for any person receiving geoduck, whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck from the harvesting vessel onto the shore. This fish receiving ticket must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery.

(11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC (~~(220-52-054)~~) 220-340-520.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC (~~(220-52-054)~~) 220-340-520.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC (~~(220-52-054)~~) 220-340-520.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish

receiving tickets based on the location of harvest and the boundary definitions specified in WAC (~~(220-52-054)~~) 220-340-520.

(12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

(b) Reports must be made by fax at 360-796-0108 or by text message or email at shrimpreport@dfw.wa.gov.

(c) Reports must include, for each fish receiving ticket prepared:

(i) The buyer name, fisher name, and date of sale;

(ii) The fish receiving ticket number, including the first alphanumeric letter;

(iii) The total number of pounds caught per shrimp species; and

(iv) The Marine Fish-Shellfish Management and Catch Reporting Area where the shrimp was harvested.

(13) Puget Sound crab:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken from Puget Sound by nontreaty fishers to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day.

(b) Reports must be made to the Mill Creek Regional Office by fax at 425-338-1066, or by email at crabreport@dfw.wa.gov.

(c) Reports must include:

(i) The dealer's name;

(ii) The dealer's phone number;

(iii) The date of delivery of crab to the original receiver; and

(iv) The total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC (~~(220-47-004)~~) 220-354-090:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The dealer or DRE holder name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until

the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via email at psfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via email at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used:

(A) The total number of days fished;

(B) The gear used;

(C) The catch area fished; and

(D) The species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-249-1229; email at harborfishtickets@dfw.wa.gov; or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a DRE holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery.

(A) The department establishes the time frame for submitting reports at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery occurs in conjunction with the adoption of the fishery through the Columbia River Compact.

(B) Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via email at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing or reporting electronically in portable document format (PDF) a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the quick reporting requirement.

(15) Sea urchins and sea cucumbers:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day.

(i) Wholesale dealers must report by:

(A) Fax at 360-902-2943;

(B) Toll-free telephone at 866-207-8223; or

(C) Text message or email at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(ii) For red sea urchins, the report must specify the number of pounds received from each sea urchin district.

(iii) For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area.

(iv) For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained."

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken and the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(16) A violation of the documentation or reporting requirements in this section is punishable under RCW

77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-370-070 Aquatic farm registration form—Required information. If asked by an aquatic farmer, the department will prepare, print, and distribute an aquatic farm registration form. The following information must be provided by the aquatic farmer:

(1) The name, mailing address, and telephone number of the individual or company that owns or leases the aquatic farm;

(2) The name and telephone number of a contact person immediately responsible for operation of the aquatic farm;

(3) The department of ~~((social and))~~ health ~~((services (DSHS)))~~ (DOH) shellfish certification number if DSHS requires a certification number;

(4) The common name of aquatic species being cultured;

(5) The method(s) of culture the aquatic farmer is using on the farm;

(6) If it is a freshwater or onshore aquatic farm, the legal description, street address, county, aquaculture district, and the number of separate tracts or facilities within the district that comprise the aquatic farm(s);

(7) If it is a marine aquatic farm, the name of bay or inlet, county, and aquaculture district for the farm(s);

(8) The signature of the company official or owner;

(9) A site drawing of the aquatic farm and a brief narrative description of the facility and its operation. Freshwater farms must also identify the source of culture water, where the water is discharged, and the watershed where the facility is located;

(10) Documentation of ownership or present right of possession of the land comprising the aquatic farm.