

WAC 172-108-070 Procedures for brief adjudicative proceedings.

For those proceedings identified as brief adjudicative proceedings in WAC 172-108-010, the model rules of procedure, chapter 10-08 WAC shall not apply. Brief adjudicative proceedings shall be governed by the procedures below and RCW 34.05.482 through 34.05.494:

(1) The presiding officer for a brief adjudicative proceeding shall be selected in accordance with WAC 172-108-020.

(2) For any matters subject to review under WAC 172-108-010, the presiding officer shall provide an individual with the opportunity to explain his or her position. If, after considering the information provided, the presiding officer makes a decision that is unfavorable to the individual, such decision shall be conveyed to the individual in writing. Within ten days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available. The brief written statement shall be considered the university's initial order.

(3) An individual may appeal the initial order by filing a written appeal with the appropriate authority. The appropriate authority is identified in the rules, policies and procedures adopted by the university regarding such determinations. If the rule, policy, or procedure does not specify who an appeal should be filed with, an appeal may be filed in writing in accordance with WAC 172-108-040.

(4) All appeals from initial orders must be received by the university within twenty-one calendar days from the date the initial order was delivered to the affected individual. If a timely appeal is not received, the initial order becomes the university's final order unless the university, on its own motion, chooses to review an order resulting from a brief adjudicative proceeding in accordance with RCW 34.05.491(1).

(5) Upon receipt of an appeal, a reviewing officer will be appointed. The reviewing officer may be the presiding officer who issued the initial order or any other person or group who would qualify as a presiding officer under WAC 172-108-020.

(6) The reviewing officer shall give each party an opportunity to explain the party's position and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative proceeding. The reviewing officer is not required to conduct a hearing, but may do so if he or she feels it would be helpful or necessary.

(7) Within twenty days of the filing of the appeal, the reviewing officer must issue a written order containing a brief statement of the reasons for his or her decision. The order shall also include a description of any further available administrative review or, if none is available, a notice that judicial review may be available under chapter 34.05 RCW.

(8) The university shall maintain as its official record any documents regarding its decision that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-038, § 172-108-070, filed 11/24/14, effective 12/25/14; WSR 92-09-100, § 172-108-070, filed 4/20/92, effective 5/21/92.]