



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **Bellevue Community College
Community College District VIII**

- Permanent Rule
- Emergency Rule

(1) Date of adoption: **1-9-90**

(2) Purpose: **Repeal WAC 132H-108-108 through 330 - Formal Hearing Policy; Adopt WAC 132H-108-410 through 480 - Model Rules of Procedure.**

(3) Citation of existing rules affected by this order:

Repealed: **WAC 132H-108-330**

Amended: **WAC 132H-108**

Suspended:

(4) Authority for adoption:

Statute: **RCW 28B.50.140**

Other Authority: **34.05 RCW**

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

To be in compliance with the Administrative Procedures Act - RCW 34.05

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

31 days after filing

Immediately

Other (specify) _____ *

Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 22 1990

TIME: **2:39**

WSR **90-03-079**

NAME (TYPE OR PRINT)

Phyllis C. Hudson

SIGNATURE

Phyllis C. Hudson

TITLE

Secretary, Board of Trustees

DATE

1-16-90

REPEALER

The following sections of the Chapter WAC 132H-108 are repealed:

- WAC 132H-108-108 FORMAL HEARING POLICY.
- WAC 132H-108-010
- WAC 132H-108-020 DEFINITIONS.
- WAC 132H-108-030 APPEARANCE AND PRACTICE BEFORE AGENCY.
- WAC 132H-108-040 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES
- WAC 132H-108-050 SERVICE OF PROCESS--BY WHOM SERVED.
- WAC 132H-108-060 UPON WHOM SERVED.
- WAC 132H-108-070 SERVICE UPON PARTIES.
- WAC 132H-108-080 METHOD OF SERVICE.
- WAC 132H-108-090 WHEN SERVICE COMPLETE.
- WAC 132H-108-200-100 FILING WITH AGENCY.
- WAC 132H-108-110 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--
-RIGHT TO TAKE.
- WAC 132H-108-120 SCOPE.
- WAC 132H-108-130 OFFICER BEFORE WHOM TAKEN.
- WAC 132H-108-140 AUTHORIZATION.
- WAC 132H-108-150 PROTECTION OF PARTIES AND DEONENTS.
- WAC 132H-108-160 ORAL EXAMINATION AND CROSS-EXAMINATION.
- WAC 132H-108-170 RECORDATION.
- WAC 132H-108-180 SIGNING ATTESTATION AND RETURN.
- WAC 132H-108-190 USE AND EFFECT.
- WAC 132H-108-200 FEES OF OFFICERS AND DEONENTS.
- WAC 132H-108-210 DEPOSITIONS UPON INTERROGATORIES--SUBMISSION OF
INTERROGATORIES.
- WAC 132H-108-220 INTERROGAATION.
- WAC 132H-108-230 ATTESTATION AND RETURN.
- WAC 132H-108-240 PROVISIONS OF DEPOSITION RULE.
- WAC 132H-108-250 HEARING OFFICERS.
- WAC 132H-108-260 HEARING PROCEDURES.
- WAC 132H-108-270 DUTIES OF HEARING OFFICERS.
- WAC 132H-108-280 STIPULATIONS AND ADMISSIONS OF RECORD.
- WAC 132H-108-290 DEFINITION OF ISSUES BEFORE HEARING.
- WAC 132H-108-300 CONTINUANCES.
- WAC 132H-108-310 RULES OF EVIDENCE--ADMISSIBILITY CRITERIA.
- WAC 132H-108-320 TENTATIVE ADMISSION--EXCLUSION--DISCONTINUANCE--
OBJECTIONS.
- WAC 132H-108-330 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

NEW SECTION

WAC 132H-108-410 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132H-108-420 APPOINTMENT OF PRESIDING OFFICERS. The President or President's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the President or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the President or President's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132H-108-430 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available, pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132H-108-440 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Landerholm Circle, S.E., Room B202, Bellevue, Washington. (1) Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132H-108-450 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.95.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in Chapter WAC 132H-200 apply to these procedures.
- (4) Parking violations. The procedural rules in Chapter WAC 132H-116 apply to these proceedings;
- (5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132H-400.

NEW SECTION

WAC 132H-108-460 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132H-108-470 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A Party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

NEW SECTION

WAC 132H-108-480 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132H-108-410, except for the method of official recording selected by the institution.