

Chapter 132I-108 WAC

MODEL RULES OF PROCEDURE

WAC

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WAC 132I-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by 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 Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-010, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-020 Appointment of presiding officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, or a member in good standing of the Washington State Bar Association, or a panel of individuals, the president or his or her designee, or any combination of the above. When 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.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-020, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-030, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-040 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

(7/21/92)

Highline Community College
Office of Personnel Services
P.O. Box 98000
Des Moines, WA 98198-9800

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

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-040, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-050 Brief adjudicative procedures. (1) This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(a) Parking violations. The procedural rules in chapter 132I-116 WAC apply to these proceedings;

(b) Student conduct proceedings. The procedural rules in chapter 132I-120 WAC apply to these proceedings;

(c) Outstanding debts owed by students or employees. The procedural rules in chapter 132I-122 WAC apply to these proceedings;

(d) Use of college facilities. The procedural rules in chapter 132I-140 WAC apply to these proceedings;

(e) Residency determinations made pursuant to RCW 28B.15.013. The procedural rules in chapter 132I-160 WAC apply to these proceedings;

(f) Use of library—Fines. The procedural rules in chapter 132I-168A WAC apply to this section;

(g) Challenges to contents of education records. The procedural rules in chapter 132I-280 WAC apply to these proceedings;

(h) Loss of eligibility for participation in institution sponsored athletic events, pursuant to chapter 69.41 RCW. The procedural rules in chapter 132I-400 WAC apply to these proceedings.

(2) Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-050, filed 7/21/92, effective 8/21/92.]

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

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[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-060, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-070 Adjudicative proceedings open.

Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public; and faculty and administrative exempt disciplinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-070, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-080 Procedure for closing parts of the hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-080, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-090 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 132I-108-070, except for the method of official recording selected by the presiding officer.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-090, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-100 Petitions for stay of effectiveness.

Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-100, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-110 Reconsideration. (1) A student may file a petition for reconsideration of a final order. Such petition must be filed upon the office of the president within ten days of the service of a final order and must state the specific grounds upon which relief is requested.

(2) No petition for reconsideration may stay the effectiveness of an order.

(3) The petition shall be disposed of by the presiding officer who issued the final order.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-110, filed 7/21/92, effective 8/21/92.]

WAC 132I-108-120 Absence of president. The president may designate another employee of the college to act in

his place on a temporary basis during his absence. An employee appointed under this provision shall only have the authority to act upon matters which require a decision by the president within a limited period of time and the president, due to his absence, would be unable to decide such matter.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-108-120, filed 7/21/92, effective 8/21/92.]