

Chapter 478-108 WAC

PRACTICE AND PROCEDURE

WAC

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PART I

GENERAL PROCEDURAL RULES

WAC 478-108-010 Matters subject to brief adjudication. 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:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations, and skateboard impoundment, as provided for in chapters 478-116, 478-117 and 478-118 WAC;
- (3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;
- (4) Proceedings under the animal control policy as detailed in chapter 478-128 WAC;
- (5) Requests for reconsideration of admission decisions as provided for in WAC 478-160-060;
- (6) Appeals of library charges as provided in chapter 478-168 WAC;
- (7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (8) Federal financial aid appeals as provided for by federal law;
- (9) Collection of outstanding debts owed by students or employees; and
- (10) Student conduct proceedings when designated as a brief adjudicative proceeding under chapter 478-121 WAC.

[Statutory Authority: RCW 28B.20.130. WSR 17-15-068, § 478-108-010, filed 7/14/17, effective 8/18/17. Statutory Authority: RCW 28B.20.130 and chapter 34.05 RCW. WSR 16-05-097, § 478-108-010, filed 2/17/16, effective 3/28/16. Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 8. WSR 14-17-097, § 478-108-010, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 1, § 2. WSR 10-23-039, § 478-108-010, filed 11/10/10, effective 12/11/10. Statutory Authority: RCW 28B.20.130 and chapter 34.05 RCW. WSR 09-08-016, § 478-108-010, filed 3/23/09, effective 4/23/09.

(7/14/17)

Statutory Authority: Chapter 34.05 RCW. WSR 02-15-174, § 478-108-010, filed 7/24/02, effective 8/24/02; WSR 02-08-023, § 478-108-010, filed 3/26/02, effective 5/1/02; WSR 90-15-005, § 478-108-010, filed 7/6/90, effective 8/6/90.]

WAC 478-108-020 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing. The application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved. Application forms are available at the following address:

University of Washington
Rules Coordination Office
Room 448 Gerberding Hall
Box 351210
Seattle, WA 98195-1210

(or by email at rules@uw.edu). An 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 otherwise provided for by statute or rule.

[Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 1, § 2. WSR 10-23-039, § 478-108-020, filed 11/10/10, effective 12/11/10. Statutory Authority: RCW 28B.20.130 and Executive Order 97-02. WSR 06-13-021, § 478-108-020, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 97-14-004, § 478-108-020, filed 6/19/97, effective 7/20/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-020, filed 7/6/90, effective 8/6/90.]

WAC 478-108-030 Appointment of presiding officers. The president of the University of Washington or his or her designee shall have the power to appoint presiding officers for formal and brief adjudicative proceedings. The presiding officer shall be an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff, or student body; 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 may 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. WSR 90-15-005, § 478-108-030, filed 7/6/90, effective 8/6/90.]

WAC 478-108-040 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. WSR 90-15-005, § 478-108-040, filed 7/6/90, effective 8/6/90.]

WAC 478-108-050 Adjudicative proceedings closed.

Adjudicative proceedings shall be closed to the public unless the Open Public Meetings Act, chapter 42.30 RCW, requires otherwise. If the act requires an open proceeding, then a party may apply to the presiding officer for a protective order to close part of the proceeding. 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 therefore in writing within twenty days of receiving the request.

No cameras or recording devices, other than the official recording method, shall be allowed in proceedings or parts of proceedings which have been closed.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-050, filed 7/6/90, effective 8/6/90.]

WAC 478-108-060 Student conduct code. All adjudicative proceedings applicable to student conduct at the University of Washington shall be governed exclusively by the provisions of the student conduct code (chapter 478-121 WAC), as they may be amended from time to time, except that any additional procedural protections for adjudicative proceedings in applicable sections of the Washington Administrative Procedure Act shall be available to students through the university processes.

[Statutory Authority: RCW 28B.20.130. WSR 17-15-068, § 478-108-060, filed 7/14/17, effective 8/18/17. Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-060, filed 7/6/90, effective 8/6/90.]

WAC 478-108-070 Faculty employment relationships. All adjudicative proceedings affecting a faculty member at the University of Washington shall be governed exclusively by the provisions of relevant university codes, policies, and orders, as they may be amended from time to time, except that any additional procedural protections for adjudicative proceedings in applicable sections of the Washington Administrative Procedure Act shall be available to faculty through the university processes.

[Statutory Authority: RCW 28B.20.130 and BRG, Standing Orders, chapter 1. WSR 12-03-038, § 478-108-070, filed 1/9/12, effective 2/9/12. Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-070, filed 7/6/90, effective 8/6/90.]

WAC 478-108-080 Librarian employment relationships. All adjudicative proceedings affecting librarians at the University of Washington shall be governed exclusively by the provisions of relevant university rules and library policies, as they may be amended from time to time, except that any additional procedural protections for adjudicative proceedings in applicable sections of the Washington Administrative Procedure Act shall be available to librarians through the university processes.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-080, filed 7/6/90, effective 8/6/90.]

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PART II**PROCEDURAL RULES FOR FORMAL PROCEEDINGS**

WAC 478-108-110 Adoption of model rules of procedure. In formal proceedings pursuant to RCW 34.05.413 through 34.05.476, the University of Washington adopts the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title and this chapter are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and these procedural rules, the procedural rules adopted by this institution shall govern.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-110, filed 7/6/90, effective 8/6/90.]

WAC 478-108-120 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.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-120, filed 7/6/90, effective 8/6/90.]

WAC 478-108-130 Transmittal of recommended decisions. The presiding officer shall transmit a full and complete record of the proceedings and a recommended decision to the institutional official who is to enter a final or initial order after considering the record and evidence so transmitted. The record of proceedings shall include such comments upon the demeanor of witnesses as the presiding officer deems relevant.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-130, filed 7/6/90, effective 8/6/90.]

WAC 478-108-140 Petition for stay pending appeal. Upon the request of a party intending to appeal, the official, officer, or body of officers who entered a final decision in an adjudicative proceeding may issue a stay of effectiveness pending the outcome of the appeal.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-15-005, § 478-108-140, filed 7/6/90, effective 8/6/90.]