

Chapter 495C-108 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 495C-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 are adopted for use at this college. Those rules may be found in 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 previously adopted by this college, the model rules prevail.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-010, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-020 Appointment of presiding officers. The president or 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 designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-020, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-030, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 4500 Steilacoom Boulevard Southwest, Lakewood, WA 98499-4098.

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

(9/29/17)

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-108-040, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-040, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Use of college facilities;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored events;
- (7) Use of library - Fines;
- (8) Student conduct appeals involving minor disciplinary actions imposing probation or suspensions of ten instructional days or less and any conditions or terms placed on the student;
- (9) Appeals of decision regarding mandatory tuition and fee waivers.

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: RCW 28B.50.140. WSR 17-20-047, § 495C-108-050, filed 9/29/17, effective 10/30/17. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-050, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-060, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-070 Procedure for closing parts of the hearings. Adjudicative proceedings shall be open to the public, except as may be provided otherwise by law or legal requirement. Any party may apply for a protective order to close part of a hearing. The party making the request shall 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 working 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 in writing within twenty working days of receiving the request.

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[Statutory Authority: RCW 28B.50.140. WSR 17-20-047, § 495C-108-070, filed 9/29/17, effective 10/30/17. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-070, filed 9/16/92, effective 10/17/92.]

[Statutory Authority: RCW 28B.50.140. WSR 17-20-047, § 495C-108-140, filed 9/29/17, effective 10/30/17.]

WAC 495C-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495C-108-070, except for the method of official recording selected by the presiding officer.

[Statutory Authority: RCW 28B.50.140. WSR 17-20-047, § 495C-108-080, filed 9/29/17, effective 10/30/17. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-108-080, filed 9/16/92, effective 10/17/92.]

WAC 495C-108-110 Reconsideration. (1) The affected individual 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: RCW 28B.50.140. WSR 17-20-047, § 495C-108-110, filed 9/29/17, effective 10/30/17.]

WAC 495C-108-130 Appearance and practice before agency. Persons appearing before the presiding officer in brief adjudicative proceedings may be accompanied by an attorney or other person, but that individual must serve in an advisory capacity only and may not serve in a representative capacity. In formal adjudicative proceedings, no person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.

[Statutory Authority: RCW 28B.50.140. WSR 17-20-047, § 495C-108-130, filed 9/29/17, effective 10/30/17.]

WAC 495C-108-140 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be identified initially as precisely as possible, to ensure that the agency may proceed promptly to conduct the hearings on relevant and material matters only.