

Chapter 132Z-108 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 132Z-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: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-010, filed 7/2/96, effective 8/2/96.]

WAC 132Z-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: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-020, filed 7/2/96, effective 8/2/96.]

WAC 132Z-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: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-030, filed 7/2/96, effective 8/2/96.]

WAC 132Z-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. An 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:

Cascadia College
18345 Campus Way N.E.
Bothell, WA 98011

(6/19/15)

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.

[Statutory Authority: RCW 28B.50.140. WSR 15-07-086, § 132Z-108-040, filed 3/17/15, effective 4/17/15. Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-108-040, filed 2/17/05, effective 3/20/05. Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-040, filed 7/2/96, effective 8/2/96.]

WAC 132Z-108-050 Brief adjudicative proceedings.

(1) The college will conduct brief adjudicative proceedings in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted.

(2) Except as otherwise provided by rule or as determined in a particular case by the college president (or designee), brief adjudicative proceedings shall be used to hear appeals of administrative actions relating to the following matters:

- (a) Parking and traffic citations;
- (b) Outstanding student debts or employee overpayments;
- (c) Student residency determinations;
- (d) Library fines;
- (e) Challenges to contents of student education records;
- (f) Loss of student eligibility for participation in college athletics;
- (g) Student disciplinary action as defined under the student conduct code, except for a decision referring the matter to the student conduct committee, a decision imposing a sanction of conduct suspension in excess of ten instructional days, or a decision imposing a sanction of conduct expulsion;
- (h) Administrative decisions regarding mandatory tuition and/or fee waivers; or
- (i) Administrative decisions denying admission or enrollment pursuant to RCW 28B.50.090(3).

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

(4) The administrative record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. Such records shall be maintained as the official record of the proceedings.

[Statutory Authority: RCW 28B.50.140. WSR 15-14-013, § 132Z-108-050, filed 6/19/15, effective 7/20/15. Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-050, filed 7/2/96, effective 8/2/96.]

WAC 132Z-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

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permitted, and order discovery conferences to discuss discovery issues.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-060, filed 7/2/96, effective 8/2/96.]

WAC 132Z-108-070 Procedure for closing parts of the hearings. 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.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-070, filed 7/2/96, effective 8/2/96.]

WAC 132Z-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 132Z-108-070, except for the method of official recording selected by the college.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-108-080, filed 7/2/96, effective 8/2/96.]