

Chapter 132S-20 WAC PRACTICE AND PROCEDURE

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WAC

132S-20-001 Purpose.
132S-20-025 Adoption of model rules of procedure.
132S-20-035 Brief adjudicative procedures.
132S-20-043 Full adjudicative proceedings.
132S-20-045 Appointment of presiding officers.
132S-20-055 Application for adjudicative proceeding.
132S-20-065 Discovery.
132S-20-075 Method of recording.
132S-20-085 Recording devices.
132S-20-095 Procedure for closing parts of the hearing.
132S-20-105 Process for excluding witnesses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132S-20-005 Introduction. [Order 76-1, § 132S-20-05 (codified as WAC 132S-20-005), filed 3/15/76.] Repealed by WSR 82-21-012 (Order 82-1), filed 10/11/82. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW.

132S-20-010 Definitions and procedures. [Order 76-1, § 132S-20-10 (codified as WAC 132S-20-010), filed 3/15/76.] Repealed by WSR 82-21-012 (Order 82-1), filed 10/11/82. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW.

132S-20-015 Practice and procedure—Formal hearing policy. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-015, filed 10/11/82. Formerly WAC 132S-108-010.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-020 Practice and procedure—Definitions. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-020, filed 10/11/82. Formerly WAC 132S-108-020.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-030 Practice and procedure—Appearance and practice before agency. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-030, filed 10/11/82. Formerly WAC 132S-108-030.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-040 Practice and procedure—Notice and opportunity for hearing in contested cases. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-040, filed 10/11/82. Formerly WAC 132S-108-040.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-050 Practice and procedure—Service of process—By whom served. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-050, filed 10/11/82. Formerly WAC 132S-108-050.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-060 Practice and procedure—Service of process—Upon whom served. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-060, filed 10/11/82. Formerly WAC 132S-108-060.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-070 Practice and procedure—Service of process—Service upon parties. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-070, filed 10/11/82. Formerly WAC 132S-108-070.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-080 Practice and procedure—Service of process—Method of service. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-080, filed 10/11/82. Formerly WAC 132S-108-080.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-090 Practice and procedure—Service of process—When service complete. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-090, filed 10/11/82. Formerly WAC 132S-108-090.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-100 Practice and procedure—Service of process—Filing with agency. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-100, filed 10/11/82. Formerly WAC 132S-108-100.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-110 Practice and procedure—Depositions and interrogatories in contested cases—Right to take. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-110, filed 10/11/82. Formerly WAC 132S-108-110.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-120 Practice and procedure—Depositions and interrogatories in contested cases—Scope. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-120, filed 10/11/82. Formerly WAC 132S-108-120.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-130 Practice and procedure—Depositions and interrogatories in contested cases—Officer before whom taken. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-130, filed 10/11/82. Formerly WAC 132S-108-130.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-140 Practice and procedure—Depositions and interrogatories in contested cases—Authorization. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-140, filed 10/11/82. Formerly WAC 132S-108-140.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-150 Practice and procedure—Depositions and interrogatories in contested cases—Protection of parties and deponents. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-150, filed 10/11/82. Formerly WAC 132S-108-150.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-160 Practice and procedure—Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-160, filed 10/11/82. Formerly WAC 132S-108-160.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-170 Practice and procedure—Depositions and interrogatories in contested cases—Signing attestation and return. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-170, filed 10/11/82. Formerly WAC 132S-108-170.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-180 Practice and procedure—Depositions and interrogatories in contested cases—Use and effect. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-180, filed 10/11/82. Formerly WAC 132S-108-190.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-190 Practice and procedure—Depositions and interrogatories in contested cases—Fees of officers and deponents. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-190, filed 10/11/82. Formerly WAC 132S-108-200.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-200 Practice and procedure—Depositions upon interrogatories—Submission of interrogatories. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-200, filed 10/11/82. Formerly WAC 132S-108-210.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-210 Practice and procedure—Depositions upon interrogatories—The interrogation. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-210, filed 10/11/82. Formerly WAC 132S-108-220.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-220 Practice and procedure—Depositions upon interrogatories—Attestation and return. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-220, filed 10/11/82. Formerly WAC 132S-108-230.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-230 Practice and procedure—Depositions upon interrogatories—Provisions of deposition rule. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-230, filed 10/11/82. Formerly WAC 132S-108-240.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-240 Practice and procedure—Hearing officers. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-240, filed 10/11/82. Formerly WAC 132S-108-250.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-250 Practice and procedure—Hearing procedures. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-250, filed 10/11/82. Formerly WAC 132S-108-260.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-260 Practice and procedure—Duties of hearing officers. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-260, filed 10/11/82. Formerly WAC 132S-108-270.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-270 Practice and procedure—Stipulations and admissions of record. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-270, filed 10/11/82. Formerly WAC 132S-108-280.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-280 Practice and procedure—Definition of issues before hearing. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-280, filed 10/11/82. Formerly WAC 132S-108-290.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-290 Practice and procedure—Continuances. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-290, filed 10/11/82. Formerly WAC 132S-108-300.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-300 Practice and procedure—Rules of evidence—Admissibility criteria. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-300, filed 10/11/82. Formerly WAC 132S-108-310.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-310 Practice and procedure—Tentative admission—Exclusion—Discontinuance—Objections. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-20-310, filed 10/11/82. Formerly WAC 132S-108-320.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-20-320 Practice and procedure—Form and content of decisions in contested cases. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), §

WAC 132S-20-001 Purpose. The purpose of this chapter is to provide process for brief and full adjudicative procedure hearings.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-001, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-001, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-025 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 the Columbia Basin College. These 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 adopted in this title, the procedural rules adopted by the college shall govern.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-025, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-025, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-035 Brief adjudicative procedures. This rule adopts the provision of RCW 34.05.482 through 34.05.494. Brief adjudicative procedures may be used in all appeals related to:

- (1) Residency determination. Appeals of residency determination under RCW 28B.15.013 are brief adjudicative proceedings conducted by the vice president for student services;
- (2) Outstanding debts of college employees or students;
- (3) Loss of eligibility to participate in athletic events;
- (4) Contents of educational records;
- (5) Federal financial aid appeals as provided by federal law;
- (6) Disciplinary actions as provided in chapter 132S-100 WAC, Student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-035, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-035, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-043 Full adjudicative proceedings. This rule adopts the provisions of RCW 34.05.413 through 34.05.476 full adjudicative procedures are used in any proceeding in which such procedures are required pursuant to college policies, rules, or regulations.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-043, filed 1/9/20, effective 2/9/20.]

WAC 132S-20-045 Appointment of presiding officers. The president or their designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administra-

tive law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination listed in this section. 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, witness exclusion, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-045, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-045, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-055 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing and should be submitted within twenty-one calendar days of the college action giving rise to the application, unless provided for otherwise by statute or rule at Columbia Basin College, 2600 N. 20th Avenue, Pasco, Washington 99301.

An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, the applicable statutes regarding rules, and an explanation of the facts involved. The procedures in applicable collective bargaining agreements between the college and representative union in effect and governing the matter will supersede these proceedings.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-055, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-055, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-065 Discovery. Discovery, including investigation in adjudicative proceeding, 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.

Prehearing conferences. Where an adjudicative procedure includes a hearing, prehearing conferences or other conferences may be held at the discretion of the presiding officer, or pursuant to a motion by either of the parties for a prehearing conference for the settlement or simplification of issues. The prehearing conference may be conducted by telephone, television, or other electronic means, at the discretion of the presiding officer and where the rights of the parties will not be prejudiced. Each participant in the conference shall have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-065, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-065, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-075 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: RCW 28B.50.140. WSR 16-12-039, § 132S-20-075, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-085 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed, except for the method of official recording by the college.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-20-085, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-20-085, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-095 Procedure for closing parts of the hearing. The hearing is open to public observation, except as determined by the presiding officer. The presiding officer shall have the authority to close all or part of the proceeding to public observation or impose reasonable conditions upon observation of the proceeding. The presiding officer may also close the proceeding under provision of law expressly authorizing closure or under a protective order entered by the presiding officer. 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 therefore in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-20-095, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-105 Process for excluding witnesses. A party may apply for an order excluding witnesses for good cause. 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 and may order, upon a showing of good cause, which, if any, witnesses should be excluded and state the reasons therefore in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-20-105, filed 5/25/16, effective 6/25/16.]