

**WAC 132F-126-040 President's review and final college order.**

(1) The college president shall review the record and enter the final college order, in accordance with RCW 34.05.461(2) and 34.05.464.

(2) If either the respondent or the vice president for student services wishes to file written argument with the president, she/he must file that argument and serve a copy on the other within fifteen days after service of the review board's order. Within seven days after service of any such argument, the other party may file and serve a written response. The president shall have discretion to modify these deadlines and/or to allow oral arguments. However no new evidence, not already part of the record, may be introduced in any argument, except as expressly authorized by the president upon a showing of compelling legal justification and after any appropriate fact-finding.

(3) The president shall personally consider the whole record or such portions of it as may be cited by the parties. A party's failure to present any argument shall mean that the party is citing "none" of the record.

(4) Within ninety days following the later of the conclusion of the hearing or the review board's receipt of closing arguments, the president shall either remand the matter for further proceedings, with instructions to the review board, or enter a final order in the matter. The president shall have all of the decision-making power that he/she would have had if presiding over the hearing, including the power to affirm, reverse, or modify the review board's decision.

(5) The president's final order shall include, or incorporate by reference to the review board's initial order, all matters required by RCW 34.05.461, and in accordance with RCW 34.05.464. It shall also include notice to the respondent of his/her right to seek judicial review under RCW 34.05.510 et seq.

(6) Copies of the final order shall be served on the respondent, the vice president, any legal counsel who have appeared, and the review board's chair.

(7) The decision of the president shall be the final district action in the matter.

[Statutory Authority: RCW 28B.50.140 and 28B.50.090(3). WSR 21-13-067, § 132F-126-040, filed 6/12/21, effective 7/13/21.]