



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **CENTRAL WASHINGTON UNIVERSITY** CWU AO 68

- Permanent Rule
- Emergency Rule

(1) Date of adoption: **October 24, 1991**

(2) Purpose:
see attachment

(3) Citation of existing rules affected by this order:
Repealed:
Amended: **WAC 106-08-010, 080, 100, 120**
Suspended:

(4) Authority for adoption:
Statute: **RCW 28B.35.120(12)**
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 91-19-016 on 9-9-91 ~~October 2, 1991~~ (date)
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)
Donald M. Schliesman
SIGNATURE
Donald M. Schliesman
TITLE
Provost & VP for Academic Affairs DATE
10-28-91

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
OCT 31 1991
TIME: 1:39 ^{AM}
WSR 91-22-037

Attachment to CR-103

PURPOSE:

- | | |
|-----------------|--|
| WAC 106-08-010 | to adopt model rules of procedure |
| WAC 106-08-020 | to designate presiding officer for adjudicative proceeding |
| WAC 106-08-030 | to require how an application for an adjudicative proceeding shall be made |
| WAC 106-08-040 | to require that adjudicative proceedings be open to the public, with few exceptions |
| WAC 106-08-050 | to explain when brief adjudicative procedures shall be used |
| WAC 106-08-060 | to regulate when discovery may be permitted in adjudicative proceedings |
| WAC 106-08-070 | to regulate the method of recording proceedings |
| WAC 106-08-080 | to limit the use of cameras and recording devices used in closed proceedings |
| WAC 106-08-100 | to designate by whom a disposition of a stay for effectiveness shall be made |
| WAC 106-08-120 | to designate to whom the initial orders from an adjudicative proceeding shall be sent |
| WAC 106-20-100 | to briefly explain the organization and operation of Central Washington University |
| WAC 106-50-100 | to provide the address of the rules coordinator for Central Washington University |
| WAC 106-122-100 | to prohibit misuse of legend drugs by student athletes through suspension |
| WAC 106-276-230 | to require that a document index be available to the public by request to the public records officer |

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-010 ((~~APPEARANCE--AND--PRACTICE--BEFORE--AGENCY~~)) ADOPTION OF MODEL RULES OF PROCEDURE. ((~~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 the 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.))~~

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 this institution. 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 adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 106-08-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's 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 his or her designee, or any combination of the above. 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, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 106-08-030 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

Business Office
Central Washington University
Ellensburg, WA 98926

Written 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 provided for otherwise by statute or rule.

NEW SECTION

WAC 106-08-040 ADJUDICATIVE PROCEEDINGS OPEN. All adjudicative proceedings shall be open to the public, with the exception of student, faculty, and administrative exempt disciplinary proceedings unless the subject of the proceedings chooses an open proceeding.

NEW SECTION

WAC 106-08-050 BRIEF ADJUDICATIVE PROCEDURES. 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) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 106-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 106-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 106-122 WAC.

NEW SECTION

WAC 106-08-060 DISCOVERY IN ADJUDICATIVE PROCEEDINGS. 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.

NEW SECTION

WAC 106-08-070 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.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-08-080 ((NOTICE-AND-OPPORTUNITY-FOR-HEARING-IN-CONTESTED CASES)) RECORDING DEVICES. ((In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Central Washington University or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120.)) No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC

106-08-040, except for the method of official recording selected by the institution.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-100 ((SERVICE-OF-PROCESS--UPON--WHOM--SERVED)) PETITIONS FOR STAY OF EFFECTIVENESS. ((All-papers-served-by-either-the-agency-of-any-party-shall-be-served-upon-all-counsel-of-record-at-the-time-of-such-filing-and-upon-parties-not-represented-by-counsel-or-upon-their-agents-designated-by-them-or-by-law.--Any-counsel-entering an-appearance--subsequent--to--the-initiation-of-the-proceeding--shall notify-all-other-counsel-then-of-record-and--all--parties--not--represented--by--counsel-of-such-fact.)) Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-120 ((SERVICE-OF-PROCESS--METHOD-OF-SERVICE)) TRANSMITTAL OF INITIAL ORDERS. ((Service-of-papers-shall-be-made-personally-or,-unless-otherwise-provided-by-law,-by-first-class,-registered,-or-certified-mail;-or-by-telegraph.)) Initial orders prepared in compliance with RCW 34.05.461 shall be transmitted to the president, who in turn shall enter a final order after considering the record and evidence.