



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Clark College

- Permanent Rule**
- Emergency Rule**
- Expedited Adoption**
- Expedited Repeal**

(1) Date of adoption: August 27, 1997

(2) Purpose: To adopt new Chapter 132N-108-010, 020, 030, 040, 050, 060, 070, 080, 090. Adopt model rules of procedure; provide rules for adjudicative proceedings.

(3) Citation of existing rules affected by this order: None.
Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: Chapter 28B.50.140 RCW
Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-15-078 on August 6, 1997 (date). *[July 10 1997]*

Describe any changes other than editing from proposed to adopted version:

none

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(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

or Expedited Rule Making

- 31 days after filing
- Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
- Later (specify) _____

NAME (TYPE OR PRINT)
Tana L. Hasart

SIGNATURE
Tana L. Hasart

TITLE Interim President

DATE 9/8/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

TIME 11:00

WSR 97-19-078

AM PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New _____	Amended _____	Repealed _____
Federal rules or standards:	New _____	Amended _____	Repealed _____
Recently enacted state statutes:	New _____	Amended _____	Repealed _____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 9 Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New _____	Amended _____	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New _____	Amended _____	Repealed _____

Chapter 132N-108 WAC

PROCEDURE

NEW SECTION

WAC 132N-108-010 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 Clark College. Those rules may be found at 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 Clark College shall govern.

NEW SECTION

WAC 132N-108-020 Brief adjudicative procedure. 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) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from actions due to parking and traffic infractions;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to outstanding debts of college employees or students;
- (5) Appeals from actions regarding loss of eligibility to participate in athletic events;
- (6) Challenges to the contents of educational records pursuant to 34 C.F.R. §99.21.
- (7) Appeals from actions due to mandatory tuition and fee waivers.
- (8) Appeals pursuant to any other formal rule adopted by Clark College which specifically provides for a brief adjudicative procedure.

NEW SECTION

WAC 132N-108-030 Procedure for closing parts of the hearings. 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 thereof in writing within twenty days of receiving the request.

NEW SECTION

WAC 132N-108-040 Appointment of presiding officers. The president or his/her 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 Bar Association, a panel of individuals, the president or his/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 132N-108-050 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, Clark College, 1800 E. McLoughlin Blvd., Vancouver, Washington 98663.

NEW SECTION

WAC 132N-108-060 Discovery. 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 132N-108-070 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.

NEW SECTION

WAC 132N-108-080 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132N-108-030, except for the method of official recording selected by the college.

NEW SECTION

WAC 132N-108-090 Petitions for stay of effectiveness. 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.