

# Chapter 132H-108 WAC

## PRACTICE AND PROCEDURE AND FORMAL HEARING RULES FOR CONTESTED CASE HEARINGS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132H-108-005 Formal hearing policy. [Order 42, § 132H-108-005, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-010 Grammatical definition. [Order 42, § 132H-108-010, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-020 Definitions. [Order 42, § 132H-108-020, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-030 Appearance and practice before agency. [Order 42, § 132H-108-030, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-040 Notice and opportunity for hearing in contested cases. [Order 42, § 132H-108-040, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-050 Service of process—By whom served. [Order 42, § 132H-108-050, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-060 Upon whom served. [Order 42, § 132H-108-060, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-070 Service upon parties. [Order 42, § 132H-108-070, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-080 Method of service. [Order 42, § 132H-108-080, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-090 When service complete. [Order 42, § 132H-108-090, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-100 Filing with agency. [Order 42, § 132H-108-100, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-110 Depositions and interrogatories in contested cases—Right to take. [Order 42, § 132H-108-110, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-120 Scope. [Order 42, § 132H-108-120, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-130 Officer before whom taken. [Order 42, § 132H-108-130, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.

132H-108-140 Authorization. [Order 42, § 132H-108-140, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-150 Protection of parties and deponents. [Order 42, § 132H-108-150, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-160 Oral examination and cross-examination. [Order 42, § 132H-108-160, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-170 Recordation. [Order 42, § 132H-108-170, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-180 Signing attestation and return. [Order 42, § 132H-108-180, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-190 Use and effect. [Order 42, § 132H-108-190, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-200 Fees of officers and deponents. [Order 42, § 132H-108-200, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-210 Depositions upon interrogatories—Submission of interrogatories. [Order 42, § 132H-108-210, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-220 Interrogation. [Order 42, § 132H-108-220, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-230 Attestation and return. [Order 42, § 132H-108-230, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-240 Provisions of deposition rule. [Order 42, § 132H-108-240, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-250 Hearing officers. [Order 42, § 132H-108-250, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-260 Hearing procedures. [Order 42, § 132H-108-260, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-270 Duties of hearing officers. [Order 42, § 132H-108-270, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-280 Stipulations and admissions of record. [Order 42, § 132H-108-280, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-290 Definition of issues before hearing. [Order 42, § 132H-108-290, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-300 Continuances. [Order 42, § 132H-108-300, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.  
132H-108-310 Rules of evidence—Admissibility criteria. [Order 42, § 132H-108-310, filed 3/5/76.] Repealed by 90-09-066

- 132H-108-320 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140. Tentative admission—Exclusion—Discontinuance—Objections. [Order 42, § 132H-108-320, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.
- 132H-108-330 Form and content of decisions in contested cases. [Order 42, § 132H-108-330, filed 3/5/76.] Repealed by 90-09-066 (Order 102, Resolution No. 189), filed 4/18/90, effective 5/19/90. Statutory Authority: RCW 28B.50.140.

**WAC 132H-108-410 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 this institution. 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 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.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-410, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-420 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.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-420, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-430 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. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-430, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-440 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Landerholm Circle, S.E., Room B202, Bellevue, Washington.

(1) 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.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-440, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-450 Brief adjudicative procedures.** This rule is adopted in accordance with RCW 34.95.482-494 [34.05.482-494], the provisions of which are hereby adopted.

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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) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in chapter 132H-200 WAC apply to these procedures.
- (4) Parking violations. The procedural rules in chapter 132H-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 132H-400 WAC.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-450, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-460 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.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-460, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-470 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 therefor in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-470, filed 4/18/90, effective 5/19/90.]

**WAC 132H-108-480 Recording devices.** 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 132H-108-410, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.50.140. 90-09-066 (Order 102, Resolution No. 189), § 132H-108-480, filed 4/18/90, effective 5/19/90.]