Chapter 132F-108 WAC
PROCEDURES FOR ADJUDICATIVE PROCEEDINGS

WAC

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WAC 132F-108-010 Adoption of 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 by this institution, the model rules prevail.

[Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-010, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-020 Appointment of presiding officers. The district president/chancellor or president of one of the district's institutions, or a designee of either, shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, member in good standing of the Washington State Bar Association, a panel of individuals, the district president/chancellor or his or her designee, or any combination of the above. When more than one individual is designated to be the presiding officer, one such person shall be designated to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters. These designations may also be made by separate rule.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-020, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-020, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-030 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 94-18-070, § 132F-108-030, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-040 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

Seattle Community College District VI
1500 Harvard Avenue
Seattle, Washington 98122

Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

[Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-040, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-050 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, unless provided otherwise by another rule or determined otherwise in a particular case by the district chancellor, the affected campus president, or a designee of either, in regard to:

(1) Parking violations.

(2) Outstanding debts owed by students or employees.

(3) Use of college facilities.

(4) Residency determinations.

(5) Use of library—Fines.

(6) Challenges to contents of education records.

(7) Loss of eligibility for participation in institution sponsored athletic events.

(8) Student conduct appeals involving minor disciplinary actions imposing probation or suspensions of ten instructional days or less and any conditions or terms placed on the student.

(9) Appeals of decision regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

[Statutory Authority: RCW 28B.50.140(13). WSR 13-11-127, § 132F-108-050, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-050, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-050, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. 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. WSR 94-18-070, § 132F-108-060, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-070 Adjudicative proceedings open. Adjudicative proceedings shall be open to the public, except as may be provided otherwise by law or legal requirement.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-070, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-070, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-080 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 justification for the application to the presiding officer. If the other party opposes the request, that party may provide a written response to the presiding officer within 10 days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore, in writing, within 20 days of receiving the request.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-080, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-080, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-090 Recording devices. No cameras or recording devises [devices] shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132F-108-070, except for the method of official recording selected by the presiding officer.

[Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-090, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-100 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.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-100, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-100, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-110 Reconsideration. (1) The affected individual may file a petition for reconsideration of a final order. Such petition must be filed upon the office of the president within ten days of the service of a final order and must state the specific grounds upon which relief is requested.

(2) No petition for reconsideration may stay the effectiveness of an order.

(3) The petition shall be disposed of by the presiding officer who issued the final order.

[Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-110, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-120 Absence of president. The district president/chancellor or president of one of the district's institutions may designate another employee of the college to act in his/her place on a temporary basis during his/her absence. An employee appointed under this provision shall only have the authority to act upon matters which require a decision by the president within the limited period of time when the president, due to his/her absence, is unable to decide such matter.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-120, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-120, filed 9/1/94, effective 10/2/94.]

WAC 132F-108-130 Appearance and practice before agency. 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 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.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-130, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-130, filed 9/1/94, effective 10/2/94. Formerly WAC 132F-08-010.]

WAC 132F-108-140 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be identified initially as precisely as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matters only.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140. WSR 03-16-015, § 132F-108-140, filed 7/28/03, effective 8/28/03. Statutory Authority: RCW 28B.50.140. WSR 94-18-070, § 132F-108-140, filed 9/1/94, effective 10/2/94. Formerly WAC 132F-08-440.]