

Chapter 132D-108 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 132D-108-010 Adoption of 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 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 Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-010, filed 2/16/90, effective 3/19/90.]

WAC 132D-108-020 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.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-020, filed 2/16/90, effective 3/19/90.]

WAC 132D-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, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-030, filed 2/16/90, effective 3/19/90.]

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

(2/16/90)

President's Office
2405 E. College Way
Mount Vernon, WA 98273

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, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-040, filed 2/16/90, effective 3/19/90.]

WAC 132D-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 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 132D-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 132D-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 132D-400 WAC.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-050, filed 2/16/90, effective 3/19/90.]

WAC 132D-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.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-060, filed 2/16/90, effective 3/19/90.]

WAC 132D-108-070 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.

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[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-070, filed 2/16/90, effective 3/19/90.]

WAC 132D-108-080 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 132D-108-010, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-080, filed 2/16/90, effective 3/19/90.]

WAC 132D-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.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW and 26 U.S.C. 1232g. WSR 90-05-045, § 132D-108-090, filed 2/16/90, effective 3/19/90.]