

# Chapter 132N-108 WAC

## PROCEDURE

### WAC

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**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-010, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-020, filed 9/16/97, effective 10/17/97.]

**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

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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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-030, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-040, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-050, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-060, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-070, filed 9/16/97, effective 10/17/97.]

**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.

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[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-080, filed 9/16/97, effective 10/17/97.]

**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.

[Statutory Authority: RCW 28B.50.140. WSR 97-19-078, § 132N-108-090, filed 9/16/97, effective 10/17/97.]