

Chapter 495E-108 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 495E-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 are adopted for use at this college. 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 by this college, the college rules prevail.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-010, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-020 Appointment of residing officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding except as otherwise provided by a college rule. Where more than one individual is designated to be the presiding officer, one such individual shall be designated by the president or president's designee, if not by college rule, to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-020, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, from among those available under the model rules of procedure.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-030, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Northeast Fourth Street, Renton, Washington 98056-4195.

Written application for an adjudicative proceeding must 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, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-040, filed 6/21/93, effective 7/22/93.]

(6/21/93)

WAC 495E-108-050 Brief adjudicative procedure.

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings, except as provided in another rule;
- (4) Parking and traffic violations;
- (5) Outstanding debts owed by present or former students or employees;
- (6) Loss of eligibility for participation in college-sponsored activities.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-050, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-060, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer, and serve copies on all other parties. If another 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 in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-070, filed 6/21/93, effective 7/22/93.]

WAC 495E-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495E-108-070, except for the method of official recording selected by the college.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].250, [34.05].-413, [34.05].425, [34.05].446 and [34.05].482. WSR 93-13-105, § 495E-108-080, filed 6/21/93, effective 7/22/93.]