

# Chapter 504-04 WAC

## PRACTICE AND PROCEDURE

WAC

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### PART I

#### GENERAL PROCEDURAL RULES

**WAC 504-04-010 Matters subject to brief adjudication.** The following proceedings are matters to be treated as brief adjudications pursuant to RCW 34.05.482 through 34.05.491:

(1) Student conduct proceedings, except for matters involving sanctions of suspension for greater than ten instructional days, expulsion, revocation of degree, or loss of recognition of a recognized or registered student organization. The procedural rules of chapter 504-26 WAC apply to all student conduct proceedings.

(2) Appeals of residency determinations. If a hearing is required by law or constitutional right, appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the office of the registrar.

(3) Appeals of parking violations. Appeals of parking violations are brief adjudicative proceedings conducted pursuant to applicable rules. See WAC 504-13-860, 504-14-860, 504-15-860, and 504-19-860.

(4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g are to be brief adjudicative proceedings conducted pursuant to the rules of chapter 504-21 WAC.

(5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the office of student financial services.

(6) Discipline and termination of student employees. When required by law, hearings for the termination of or imposition of disciplinary measures on student employees are brief adjudicative proceedings.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-010, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-010, filed 6/15/17, effective 7/16/17; WSR 13-16-089, § 504-04-010, filed 8/6/13, effective 9/6/13; WSR 07-02-034, § 504-04-010, filed 12/26/06, effective 1/26/07. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-010, filed 11/22/89, effective 12/23/89.]

(11/19/18)

**WAC 504-04-020 Appointment of presiding officers for all adjudicative proceedings.** The president of Washington State University or his or her designee has the power to appoint members of the faculty, staff, and student body; administrative law judges; members in good standing of the Washington state bar association; the president or his or her designee; a person or entity with whom the university contracts; or any combination of the above to be presiding officers for formal and brief adjudicative proceedings. When more than one individual is designated to be the presiding officer, one person shall be designated by the president or designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters. The term "presiding officer" as used in this chapter is read in the plural when the context demands.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-020, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-020, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-020, filed 11/22/89, effective 12/23/89.]

### PART II

#### PROCEDURAL RULES FOR FORMAL PROCEEDINGS

**WAC 504-04-110 Adoption of model rules of procedure for formal (full) adjudications—Exceptions.** In formal adjudications (also referred to as full adjudications) pursuant to RCW 34.05.413 through 34.05.476, Washington State University follows the Administrative Procedure Act (chapter 34.05 RCW) and hereby adopts the model rules of procedure adopted by the office of administrative hearings, chapter 10-08 WAC, with the following exceptions:

(1) WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices.

See WAC 504-04-120 which determines the use of cameras and recording devices at adjudicative proceedings.

(2) Chapter 504-26 WAC sets forth exceptions and modifications to the model rules of procedure for formal hearings involving student discipline.

(3) The university's faculty manual sets forth exceptions and modifications to the model rules of procedure for formal hearings involving faculty discipline.

(4) Other procedural rules adopted in this title and this chapter are supplementary to the model rules. In the case of a conflict between the model rules and procedural rules adopted by Washington State University, the procedural rules adopted by the university govern.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-110, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-110, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-110, filed 11/22/89, effective 12/23/89.]

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**WAC 504-04-120 Confidentiality of student, faculty, and staff formal adjudicative proceedings.** In formal adjudicative proceedings, the presiding officer has the power to close all or part of the hearing to public observation. The presiding officer has the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also has the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination, or administrative cancellation of enrollment, hearings are normally closed to public observation. In student conduct matters, including those implicating Title IX, hearings are closed to public observation in accordance with WAC 504-26-025.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-120, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-120, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.-095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-120, filed 11/22/89, effective 12/23/89.]

**WAC 504-04-130 Advising and representation of parties.** Any person whose rights are in issue in a formal adjudicative proceeding has the right to have an advisor present during any stage of the proceedings. However, only persons admitted to the practice of law in the state of Washington, including licensed legal interns, are permitted to act as representatives at the proceedings. The presiding officer has the power to impose reasonable conditions upon participation of advisors and representatives.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-130, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-130, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.-095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-130, filed 11/22/89, effective 12/23/89.]

**WAC 504-04-140 Discovery.** Discovery in formal hearings may be permitted at the discretion of the presiding officer, unless specific limitations apply. In permitting discovery, reference must be made to the civil rules applicable in court proceedings for guidance.

The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-04-140, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-04-140, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.-095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-140, filed 11/22/89, effective 12/23/89.]