



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **Clark College**

- Permanent Rule
- Emergency Rule

(1) Date of adoption: **October 24, 1990**

(2) Purpose: **To comply with the requirements of SHB No. 1558 and provide rules for ineligibility of student athletes found to be in violation of the laws relating to the use or possession of steroid drugs.**

(3) Citation of existing rules affected by this order:

Repealed: **none**
 Amended: **none**
 Suspended: **none**

(4) Authority for adoption:

Statute: **RCW 28B.50 and 28B.10**
 Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 90-18-034 on Aug. 27, 1990 (date).
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify) _____

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 02 1990

TIME 2:08
 WSR 90-22-049

NAME (TYPE OR PRINT)

Earl P. Johnson

SIGNATURE

TITLE
President, Clark College

DATE
10/24/90

WAC Chapter 132N 400
Loss of Eligibility-Student Athletic Participation

New Section. WAC 132N-400-010. GROUND FOR INELIGIBILITY. Any student found by the college to have violated chapter 69.41 RCW, as now, or hereafter amended, by virtue of a criminal conviction or otherwise, insofar as it prohibits the possession, use or sale, or furnishing of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

New Section. WAC 132N-400-020. SUSPENSION PROCEDURE-RIGHT TO INFORMAL HEARING. Notwithstanding any 132N WAC to the contrary, any student notified of a claimed violation of WAC 132N-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the dean of students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

New Section. WAC 132N-400-030. HEARING. Notwithstanding any 132N WAC to the contrary, if a timely written request for a hearing is made, the dean of students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482.494.

New Section. WAC 132N-400-040. DECISION. Notwithstanding any WAC 132N to the contrary, the college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the dean of students.