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. The procedural rules of chapter 504-25 WAC apply to these 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 admissions.

(3) Appeals of parking violations. Appeals of parking violations are brief adjudicatory proceedings conducted pursuant to applicable rules. See WAC 504-14-860, 504-15-860, 504-18-170, and 504-19-860.

(4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. §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 scholarships and financial aid.

(6) Emergency withdrawal of students. Proceedings to disenroll students for medical or psychological reasons are brief adjudicative proceedings conducted by the office of student affairs.

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

[Statutory Authority: RCW 28B.30.150. 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. 89-23-117, § 504-04-010, filed 11/22/89, effective 12/23/89.]

WAC 504-04-020 Appointment of presiding officers for all adjudicative proceedings. The president of Washington State University or his or her designee shall have the power to appoint committees or members of the faculty, staff and student body to be presiding officers for formal and brief adjudicative proceedings. The term "presiding officer" as used in this chapter shall be read in the plural when the context demands.

[Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. 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 proceedings—Exception. In formal proceedings pursuant to RCW 34.05.413 through 34.05.476 Washington State University adopts the model rules of procedure adopted by the office of administrative hearings, chapter 10-08 WAC, with the following exception:

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.

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 shall govern.

[Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. 89-23-117, § 504-04-110, filed 11/22/89, effective 12/23/89.]

WAC 504-04-120 Confidentiality of student, faculty and staff formal adjudicative proceedings. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also shall have the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination, or medical withdrawal, hearings will normally be closed to public observation.

[Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. 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 shall have the right to have an adviser present during any stage of the proceedings. However, only persons admitted to the practice of law in the state of Washington shall be permitted to act as a representative at the proceedings. The presiding officer shall have the power to

impose reasonable conditions upon participation of advisors and representatives.

[Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. 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. In permitting discovery, reference shall be made to the civil rules applicable in court proceedings for guidance.

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 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. 89-23-117, § 504-04-140, filed 11/22/89, effective 12/23/89.]