

WAC 132E-122-320 Full adjudicative process—Prehearing procedure. (1) The student conduct committee chair shall serve all parties with written notice of the hearing date, time, and location not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 132E-122-270.

The chair may shorten this notice period if the parties agree, and may continue the hearing to a later time for good cause shown.

(2) The student conduct committee chair is authorized to conduct prehearing conferences and to make prehearing decisions concerning the forms and extent of any discovery, issuance of protective orders, and similar procedural matters.

(3) The student conduct committee chair may direct the parties prior to the hearing to submit to the chair a list of witnesses and copies of exhibits that the parties reasonably expect to present to the committee.

(a) The student conduct committee chair shall then provide copies of the submitted list of witnesses and of exhibits to the other party(ies), concurrently.

(b) Failure to participate in good faith in such an exchange may be cause for excluding from the hearing any witness or exhibit not disclosed.

(4) The student conduct committee chair in advance of the hearing may provide committee members with copies of:

(a) Any notice of disciplinary action or referral to the committee; and

(b) Any notice of appeal filed by the respondent or any complainant.

However, such "pleadings" shall not be regarded as evidence of any facts they may allege.

(5) Consistent with WAC 132E-122-260, any party may be accompanied at the hearing by an advisor or attorney of the party's choice.

(6) A respondent or any complainant may be represented by an attorney at such party's own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, the attorney files and serves a notice of appearance to the student conduct committee chair (EMAIL, 2000 Tower Street, Everett, WA 98201).

(7) If the respondent or complainant is represented by an attorney, the conduct officer may be represented by the college's assistant attorney general.

(8) The student conduct committee may itself be advised in any proceeding by an independently assigned assistant attorney general who shall have had no other involvement in the matter and who shall be appropriately screened from any other assistant attorney general appearing in the proceeding.

[Statutory Authority: RCW 28B.50.140. WSR 18-01-119, § 132E-122-320, filed 12/19/17, effective 1/19/18.]