

**Chapter 495B-108 WAC
PRACTICE AND PROCEDURE**

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WAC

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WAC 495B-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 previously adopted by this college, the model rules prevail.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-010, filed 2/10/93, effective 3/13/93.]

WAC 495B-108-020 Appointment of presiding officers. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or their designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: Chapters 28B.10 and 34.05 RCW, RCW 28B.50.140(13), and 20 U.S.C. § 1092(f). WSR 23-22-011, § 495B-108-020, filed 10/19/23, effective 11/19/23. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-020, filed 2/10/93, effective 3/13/93.]

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

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-030, filed 2/10/93, effective 3/13/93.]

WAC 495B-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding must specify the issue to be decided in the proceeding and be signed by the applicant or the applicant's representative. Application forms are available at the following address: 3028 Lindbergh Avenue, Bellingham, WA 98225.

Written application for an adjudicative proceeding must be submitted to the above address within 21 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

[Statutory Authority: Chapters 28B.10 and 34.05 RCW, RCW 28B.50.140(13), and 20 U.S.C. § 1092(f). WSR 23-22-011, § 495B-108-040, filed 10/19/23, effective 11/19/23. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-040, filed 2/10/93, effective 3/13/93.]

WAC 495B-108-050 Brief adjudicative procedures. 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) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Challenges to the contents of educational records pursuant to 34 C.F.R. § 99.21;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to parking and traffic infractions;
- (5) Appeals from actions due to outstanding debts of college employees or students;
- (6) Appeals from actions regarding loss of eligibility to participate in college-sponsored events;
- (7) Appeals from actions regarding mandatory tuition and fee waivers;
- (8) Appeals pursuant to any other formal rule adopted by Bellingham Technical College which specifically provides for a brief adjudicative procedure.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter. Adjudicative proceedings shall be open to the public, except as may be provided otherwise by law. A brief written statement of the reasons for the decision must be entered within 10 business days after the proceeding.

[Statutory Authority: Chapters 28B.10 and 34.05 RCW, RCW 28B.50.140(13), and 20 U.S.C. § 1092(f). WSR 23-22-011, § 495B-108-050, filed 10/19/23, effective 11/19/23. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-050, filed 2/10/93, effective 3/13/93.]

WAC 495B-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.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-060, filed 2/10/93, effective 3/13/93.]

WAC 495B-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. If the other 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.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-070, filed 2/10/93, effective 3/13/93.]

WAC 495B-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 495B-108-070, except for the method of official recording selected by the college.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-108-080, filed 2/10/93, effective 3/13/93.]