

WSR 22-13-137
PROPOSED RULES
WALLA WALLA
COMMUNITY COLLEGE

[Filed June 20, 2022, 5:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-10-072.

Title of Rule and Other Identifying Information: Chapter 132T-09 WAC, Practice and procedure.

Hearing Location(s): On August 8, 2022, at 1:00 - 2:00 p.m., <https://wwcc-edu.zoom.us/j/87397197417>. Remotely via Zoom link.

Date of Intended Adoption: August 29, 2022.

Submit Written Comments to: Jean Hernandez, 500 Tausick Way, Walla Walla, WA 99362, email WACrevisions@gmail.com, by July 18, 2022.

Assistance for Persons with Disabilities: Contact Jean Hernandez, email WACrevisions@gmail.com, doreen.kennedy@wwcc.edu, by July 18, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending chapter 132T-09 WAC to update with current state statutes and align with Walla Walla Community College's rules and regulations.

Reasons Supporting Proposal: See purpose above. Also explains model adjudicative regulations and how they are applied by the college.

Statutory Authority for Adoption: Chapters 28B.50, 34.05, 28B.19 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Walla Walla Community College, governmental.

Name of Agency Personnel Responsible for Drafting: Jean Hernandez, 500 Tausick Way, Walla Walla, WA 99362; Implementation and Enforcement: Office of the President, Walla Walla Community College, 509-527-4274.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

June 20, 2022
Jean Hernandez
Contract Consultant

OTS-3796.1

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-001 ((Formal hearing policy.)) Adoption of model rules of procedure. ((In each instance that a formal hearing is required by institutional policy, regulation or chapter 28B.19 RCW, the provisions of WAC 132T-09-001 through 132T-09-480 shall be applicable.)) The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereby amended, are adopted for use at Walla Walla Community College District 20. 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.

[Order 72-8, § 132T-09-001, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-005 ((Definitions.)) Appointment of presiding officers. ((As used herein, the term "agency" shall mean the board of trustees of Community College District No. 20 and Walla Walla Community College.)) The president or designee shall appoint 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 designee, or any combination of the above. Where more than one individual is appointed to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Order 72-8, § 132T-09-005, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-010 ((Appearance and practice before agency.)) Method of recording. ((No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

~~(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.))~~ Proceedings will be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Order 72-8, § 132T-09-010, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-080 ~~((Notice and opportunity for hearing in contested cases.))~~ **Application for adjudicative proceeding.** ~~((In any contested case all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Walla Walla Community College or his designee and shall state the time, place and issues involved as required by RCW 28B.19.120.))~~ An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Office of the President
Walla Walla Community College
500 Tausick Way
Walla Walla, WA 99362.

Written application for an adjudicative proceeding shall be submitted to the above address within 20 calendar days of the date of the agency action that gave rise to the application, unless provided for otherwise by statute or rule.

[Order 72-8, § 132T-09-080, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-090 ~~((Service of process By whom served.))~~ **Brief adjudicative procedures.** ~~((The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.))~~ This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. In addition to those proceedings specified elsewhere in college regulations, brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to content of education records; or
- (3) Outstanding debts owed by students or employees.

[Order 72-8, § 132T-09-090, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-100 (~~((Service of process Upon whom served.))~~) **Discovery.** ((All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.)) 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.

[Order 72-8, § 132T-09-100, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-110 (~~((Service of process Service upon parties.))~~) **Procedure for closing parts of the hearings.** ((The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.)) Any party may apply for a protective order to close part of the 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 10 calendar 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 20 calendar days of receiving the request.

[Order 72-8, § 132T-09-110, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-120 (~~((Service of process Method of service.))~~) **Recording devices.** ((Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail or by telegraph.)) No cameras or recording devices are allowed in those parts of the proceedings that the presiding officer has determined shall be closed under WAC 132T-09-010, except for the method of official recording selected by the college.

[Order 72-8, § 132T-09-120, filed 5/2/72.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132T-09-130	Service of process—When service complete.
WAC 132T-09-140	Service of process—Filing with agency.
WAC 132T-09-230	Depositions and interrogatories in contested cases—Right to take.
WAC 132T-09-240	Depositions and interrogatories in contested cases—Scope.
WAC 132T-09-250	Depositions and interrogatories in contested cases—Officer before whom taken.
WAC 132T-09-260	Depositions and interrogatories in contested cases—Authorization.
WAC 132T-09-270	Depositions and interrogatories in contested cases—Protection of parties and deponents.
WAC 132T-09-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination.
WAC 132T-09-290	Depositions and interrogatories in contested cases—Recordation.
WAC 132T-09-300	Depositions and interrogatories in contested cases—Signing attestation and return.
WAC 132T-09-310	Depositions and interrogatories in contested cases—Use and effect.
WAC 132T-09-320	Depositions and interrogatories in contested cases—Fees of officers and deponents.
WAC 132T-09-330	Depositions upon interrogatories—Submission of interrogatories.
WAC 132T-09-340	Depositions upon interrogatories—Interrogation.
WAC 132T-09-350	Depositions upon interrogatories—Attestation and return.
WAC 132T-09-360	Depositions upon interrogatories—Provisions of deposition rule.
WAC 132T-09-400	Hearing officers.
WAC 132T-09-410	Hearing procedures.
WAC 132T-09-420	Duties of hearing officers.
WAC 132T-09-430	Stipulations and admissions of record.
WAC 132T-09-440	Definition of issues before hearing.
WAC 132T-09-450	Continuances.

- WAC 132T-09-460 Rules of evidence—Admissibility criteria.
- WAC 132T-09-470 Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 132T-09-480 Form and content of decisions in contested cases.