

**WSR 24-05-058
PERMANENT RULES
BELLEVUE COLLEGE**

[Filed February 20, 2024, 9:01 a.m., effective March 22, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Bellevue College proposes updates to chapter 132H-108 WAC, Practice and procedure and formal hearing rules for contested case hearings. Housekeeping edits and updates to application process for adjudicative hearings in line with current practices of the college.

Citation of Rules Affected by this Order: Amending chapter 132H-108 WAC.

Statutory Authority for Adoption: RCW 28B.50.140(13); chapter 34.05 RCW.

Adopted under notice filed as WSR 23-04-044 [23-22-016] on January 26, 2023 [October 19, 2023].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 16, 2024.

Loreen M. Keller
Associate Director, Policies and Special Projects

OTS-5039.1

**Chapter 132H-108 WAC
(~~(PRACTICE AND PROCEDURE AND)~~) FORMAL HEARING RULES FOR CONTESTED CASE HEARINGS**

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

WAC 132H-108-420 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 (~~his or her~~) their designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person

shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

WAC 132H-108-440 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing, and signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be decided in the proceeding. Applications (~~forms are available~~) should be submitted to the office of the president in person or by mail at the following address: 3000 Landerholm Circle, S.E., (~~Room B202,~~) Bellevue, Washington 98007.

(~~(1)~~) Written application for an adjudicative proceeding should be submitted to the above address within (~~twenty~~) 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

WAC 132H-108-450 Brief adjudicative procedures. This rule is adopted in accordance with RCW (~~34.95.482-494~~ [~~34.05.482-494~~]) 34.05.482 through 34.05.491, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in chapter (~~132H-200~~) 132H-126 WAC apply to these procedures(~~(-)~~);
- (4) Parking violations. The procedural rules in chapter 132H-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132H-400 WAC.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

WAC 132H-108-470 Procedure for closing parts of the hearings. A party may apply for a protective order to close part of a hearing. The party making the request should 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~~) 10 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 (~~therefor~~) therefore in writing within (~~twenty~~) 20 days of receiving the request.