

Chapter 172-108 WAC

PROCEDURAL RULES

WAC

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WAC 172-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings;
- (3) Student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings;
- (4) Outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and
- (5) Traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-010, filed 4/20/92, effective 5/21/92.]

WAC 172-108-020 Appointment of presiding officer. The president of Eastern Washington University or an authorized designee shall have the power to appoint presiding officer for formal and brief adjudicative proceedings. The term, presiding officer, shall mean one or more presiding officers as appointed by the president or authorized designee. The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above. Where more than one individual is designated to be the presiding officer, one person may be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-020, filed 4/20/92, effective 5/21/92.]

WAC 172-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding

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officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-030, filed 4/20/92, effective 5/21/92.]

WAC 172-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available from: Office of the Rules Coordinator; Eastern Washington University; Cheney, WA 99004-2496. Written application for an adjudicative proceeding in response to the institution's action should be submitted to the above address within 20 days of the action, unless otherwise provided by statute or rule.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-040, filed 4/20/92, effective 5/21/92.]

WAC 172-108-050 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery the presiding officer shall make reference to the civil rules of procedure. The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-050, filed 4/20/92, effective 5/21/92.]

WAC 172-108-060 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 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 in writing within 20 days of receiving the request.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-060, filed 4/20/92, effective 5/21/92.]

WAC 172-108-070 Recording devices. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-070, filed 4/20/92, effective 5/21/92.]

WAC 172-108-080 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer or body of officers, who entered the final order.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-080, filed 4/20/92, effective 5/21/92.]

WAC 172-108-090 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are found in chapter 10-08 WAC. Procedural rules adopted by this institution shall govern in the event that a conflict exists. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-090, filed 4/20/92, effective 5/21/92.]