

Chapter 132M-108 WAC

PROCEDURE

WAC

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WAC 132M-108-010 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 hereby adopted for use at this institution. Those rules may be found at 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 adopted in this title, the procedural rules adopted by this institution shall govern.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-010, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-020 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- [(1)][(a)] Appeals from residency classifications made pursuant to RCW 28B.15.013;
- [(2)][(b)] Appeals from parking infractions;
- [(3)][(c)] Student conduct or disciplinary proceedings;
- [(4)][(d)] Outstanding debts of college employees or students;
- [(5)][(e)] Loss of eligibility to participate in athletic events;
- [(6)][(f)] Challenges to the contents of education records pursuant to WAC 132M-113-055(2);
- [(g)] Mandatory tuition and fee waivers.

[Statutory Authority: RCW 28B.50.140(13), 1995 c 36 § 2 and amendment to RCW 28B.16.600. WSR 95-16-069, § 132M-108-020, filed 7/28/95, effective 8/28/95. Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-020, filed 4/2/92, effective 5/3/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132M-108-030 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 days of the request to the presiding officer. The presiding officer shall

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determine which, if any, parts of the proceeding shall be closed and state the reasons thereof in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-030, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-040 Appointment of presiding officers. The president or his/her 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 Bar Association, a panel of individuals, the president or his/her 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.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-040, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-050 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, 1600 Maple Street, Longview, Washington 98632.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-050, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-060 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-060, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-070 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132M-108-030, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-070, filed 4/2/92, effective 5/3/92.]

WAC 132M-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.50.140. WSR 92-09-005, § 132M-108-080, filed 4/2/92, effective 5/3/92.]

WAC 132M-108-090 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 shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140. WSR 95-11-014, § 132M-108-090, filed 5/5/95, effective 6/5/95.]