Chapter 132S-20 WAC

PRACTICE AND PROCEDURE

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WAC 132S-20-001 Purpose. The purpose of this chapter is to provide process for brief and full adjudicative hearings.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-20-001, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-025 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 the Columbia Basin College. These 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 adopted in this title, the procedural rules adopted by the college shall govern.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-20-025, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-035 Brief adjudicative procedures. This rule adopts the provision of RCW 34.05.482 through 34.05.494. Brief adjudicative procedures may, at the election of college, be used in all appeals related to:

(1) Residency determination. Appeals of residency determination under RCW 28B.15.013 are brief adjudicative proceedings conducted by the vice president for student services;

(2) Outstanding debts of college employees or students;

(3) Loss of eligibility to participate in athletic events;

(4) Contents of educational records;

(5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the vice president for student services.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-20-035, filed 5/25/16, effective 6/25/16.]

WAC 132S-20-045 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 listed in this section. 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, witness exclusion, means of recording adjudicative proceedings, and similar matters.
WAC 132S-20-055 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing and should be submitted to the following address within twenty calendar days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, Columbia Basin College, 2600 N. 20th Avenue, Pasco, WA 99301.

An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, the applicable statutes regarding rules, and an explanation of the facts involved. The procedures in applicable collective bargaining agreements between the college and representative union in effect and governing the matter will supersede these proceedings.

WAC 132S-20-065 Discovery and prehearing conferences. Discovery, including investigation in adjudicative proceeding, 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.

Prehearing conferences or other conferences may be held for the settlement or simplification of issues at the discretion of the presiding officer, or pursuant to a motion by either of the parties for a prehearing conference. The prehearing conference may be conducted by telephone, television, or other electronic means, in the discretion of the presiding officer and where the rights of the parties will not be prejudiced. Each participant in the conference shall have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

WAC 132S-20-075 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.

WAC 132S-20-085 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed, except for the method of official recording selected by the college.

WAC 132S-20-095 Procedure for closing parts of the hearing. The hearing is open to public observation, except as determined by the presiding officer. The presiding officer shall have the authority to close all or part of the proceeding to public observation or impose reasonable conditions upon observation of the proceeding. The presiding officer may also close the proceeding under provision of law expressly authorizing closure or under a protective order entered by the presiding officer. 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 determine which, if any, parts of the proceeding shall be closed and state the reasons therefore in writing within twenty days of receiving the request.

WAC 132S-20-105 Process for excluding witnesses. A party may apply for an order excluding witnesses for good cause. 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 and may order, upon a showing of good cause, which, if any, witnesses should be excluded and state the reasons therefore in writing within twenty days of receiving the request.