WAC 504-26-403 Full adjudications. (1) Adoption of model rules of procedure. Full adjudications are governed by the Administrative Procedure Act, RCW 34.05.413 through 34.05.476, and chapter 10-08 WAC, Model rules of procedure, except as otherwise provided in this chapter. In the event of a conflict between the rules in this chapter and the model rules, this chapter governs.

(2) Notice of hearing. Notice to the parties of a full adjudicative proceeding must comply with model rule WAC 10-08-040 and standards of conduct rule WAC 504-26-035. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-401 must be provided.

(3) Time for hearings. The full adjudicative proceeding is scheduled no less than seven calendar days after the parties have been sent notice of the hearing.

In accordance with WAC 10-08-090, requests to extend the time and/or date for hearing must be addressed to the presiding officer. A request for an extension of time is granted only upon a showing of good cause.

(4) Subpoenas. Subpoenas may be issued and enforced in accordance with model rule WAC 10-08-120. In determining whether to issue, quash, or modify a subpoena, the presiding officer must give due consideration to state and federal legal requirements including, but not limited to, Title IX, its implementing regulations, and guidance issued by the federal Office for Civil Rights. The party requesting the subpoena has the burden of showing that a subpoena is necessary for full disclosure of all the relevant facts and issues.

(5) Discovery. Depositions and interrogatories are not permitted in adjudications of student conduct matters. Other forms of discovery may be permitted at the discretion of the presiding officer; however, discovery should be limited to help ensure the prompt completion of the adjudication process.

(6) Direct questioning and cross-examination. As required by RCW 34.05.449, direct and cross-examination of witnesses is permitted to the extent necessary for full disclosure of all relevant facts and issues.

(a) Direct questioning and cross-examination is conducted by the party or the party's advisor or representative in a respectful manner. Prior to asking or allowing any direct and cross-examination question, the presiding officer must first determine whether the question is relevant, permissible, clear, not repetitive and not harassing. If a presiding officer excludes a question, the presiding officer must explain the rationale for exclusion and provide the party and/or advisor an opportunity to clarify or revise their question.

(b) At no point may a party personally cross-examine the other party when the other party is testifying as a witness or directly cross-examine other witnesses in a full-adjudicative hearing involving allegations of Title IX sexual harassment. If necessary, the university provides an advisor to the parties for the purposes of direct questioning and cross-examination in full adjudicative hearings involving allegations related to Title IX.

(c) The university, when represented by a member of CCS staff, is not required to have an advisor or representative for the purposes of engaging in cross-examination questioning or direct questioning of witnesses.

(7) Decision requirements. Decisions regarding responsibility and sanctions are made by the presiding officer.

(8) Notice of decision and right to appeal. The parties are notified, in writing, of the decision within 30 calendar days of the full adjudication or, upon notification in writing, within an extended total of 90 calendar days. The initial order of the university must contain the following:

(a) Description of the allegations that initiated the community standards process;

(b) Description of procedural steps taken from the receipt of the formal complaint up to and including the outcome of the full adjudicative proceeding;

(c) Appropriately numbered findings of fact, conclusions, and rationale for each result;

(d) The sanction(s) and/or remedy(ies) to be assigned, if any, and the rationale for the sanction(s) and/or remedy(ies);

(e) Information regarding the parties' right to appeal according to WAC 504-26-420, including the time frame for seeking review; and

(f) Notice that the initial order becomes final unless an appeal is filed within 20 calendar days of the date the initial order is sent to the parties.

[Statutory Authority: RCW 28B.30.150. WSR 26-09-100, s 504-26-403, filed 4/20/26, effective 8/1/26; WSR 25-20-053, s 504-26-403, filed 9/25/25, effective 10/26/25; WSR 24-23-093, s 504-26-403, filed 11/19/24, effective 12/20/24; WSR 22-23-142, § 504-26-403, filed 11/21/22, effective 1/1/23; WSR 21-07-057, § 504-26-403, filed 3/15/21, effective 4/15/21; WSR 18-23-083, § 504-26-403, filed 11/19/18, effective 12/20/18; WSR 16-08-014, § 504-26-403, filed 3/28/16, effective 4/28/16; WSR 15-11-041, § 504-26-403, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-403, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-403, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-403, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-403, filed 11/22/06, effective 12/23/06.]