

**WAC 516-28-045 Informal hearing guidelines.** Students subject to an involuntary withdrawal shall be accorded an informal hearing before the vice president for student affairs or his/her designee, utilizing the following guidelines:

(1) Students will be informed to the time, date, and location of the informal hearing in writing, either by personal delivery or certified mail, at least two business days in advance.

(2) The case file shall include an evaluation prepared by the mental health professional and the names of prospective witnesses. This file will be available for inspection by the student in the office of the vice president for student affairs during normal business hours. This file will be available at least two business days prior to the informal hearing.

(3) The informal hearing shall be conversational and nonadversarial. Formal rules of evidence will not apply. The vice president for student affairs or his/her designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.

(4) The student may choose to be assisted by a family member, a licensed psychiatrist or psychologist, or by a member of the faculty or staff of the university. Furthermore, the student may be accompanied by legal counsel, who is limited to providing legal advice to the student.

(5) Whenever possible, the student will be expected to respond to questions asked by the vice president for student affairs or his/her designee. A student who refuses to answer on grounds of Fifth Amendment privilege may be informed that the vice president for student affairs or his/her designee may draw a negative inference from the refusal which might result in dismissal from the institution in accordance with these standards and procedures.

(6) Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.

(7) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.

(8) A university official and/or a licensed psychiatrist or psychologist who prepared the evaluation report may be expected to appear at the informal hearing, and to respond to relevant questions or present evidence upon request of any party involved, if the vice president for student affairs or his/her designee determines that such participation is essential to the resolution of the case.

(9) The informal hearing shall be tape-recorded and kept with the pertinent case file in the confidential records of the vice president for student affairs for six years, following which the records will be destroyed. During this period, the records will be accessible only upon approval of the vice president for student affairs and then only for compelling reasons.

(10) A written decision shall be rendered by the vice president for student affairs or his/her designee within five business days after the completion of the informal hearing. The written decision, which will be personally delivered or sent by certified mail, shall contain a statement of reasons for any determination leading to involuntary withdrawal. The student will also be advised as to when a petition for reinstatement would be considered, along with any conditions of reinstatement.

(11) The decision of the vice president for student affairs or his/her designee shall be final and not subject to appeal within the institution.

[Statutory Authority: RCW 28B.35.120(12). WSR 89-11-039 (Order 89-01), § 516-28-045, filed 5/15/89.]