

WAC 132C-120-115 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the student conduct officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary sanction for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended. Protective measures which have been imposed to protect the health, safety and welfare of an individual or the campus community, such as no contact orders, will not be stayed.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the disciplinary actions listed in (8)(a) through (c) of this subsection.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final and are not subject to appeal.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-115, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-115, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-115, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-115, filed 4/4/80.]