

WAC 132H-126-130 Appeal from disciplinary action. (1) The respondent, and when applicable a complainant, may appeal a disciplinary decision by filing a written notice of appeal with the conduct review officer within 21 calendar 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 or complainant is seeking review.

(3) The parties to an appeal shall be the respondent, complainant when applicable, and the student conduct officer. If a case involves allegations of sexual misconduct, a complainant also has a right to appeal a disciplinary decision or to intervene in the respondent's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions relate to allegations of sexual misconduct against the respondent.

(4) A respondent, complainant when applicable, 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 action and any sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action and any sanction for a violation of the student conduct code shall be stayed pending appeal, unless the respondent has been summarily suspended.

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

- (a) Disciplinary suspensions in excess of 10 instructional days;
- (b) Expulsions;
- (c) Sexual misconduct cases; and

(d) 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) Residence hall dismissals;
- (b) Residence hall suspensions;
- (c) Suspensions of 10 instructional days or less;
- (d) Disciplinary probation;
- (e) Written reprimands;

(f) Sanctions against a student group, other than those set forth in subsection (7)(a) and (b) of this section; and

(g) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 26-09-036, s 132H-126-130, filed 4/8/26, effective 5/9/26; WSR 23-04-040, § 132H-126-130, filed 1/25/23, effective 2/25/23. Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-01-008, § 132H-126-130, filed 12/2/20, effective 1/2/21; WSR 19-01-082, § 132H-126-130, filed 12/17/18, effective 1/17/19.]