

WAC 172-135-080 Appeal hearing. (1) Upon receipt of a timely appeal by the student, the vice president shall convene the students of concern board and notify the student of the date, time, and location of the appeal hearing in writing. The notice will include information about how to request accommodations or interpreters. The notice must be served on the student at least seven calendar days prior to the hearing. The vice president may coordinate with the student to facilitate scheduling, but is not required to do so. The vice president shall serve as the presiding officer for the students of concern board. The appeal hearing shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) Evidence.

(a) Types of evidence: The students of concern board shall be provided with the documentation reviewed by the dean that formed the basis of the mandatory medical leave of absence notice. The student may provide the board with additional documentation for the board to consider, may testify before the board, and may present witnesses to the board. Evidence, including hearsay evidence, is admissible if in the judgment of the board it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

(b) Review of evidence: The student has the right to view all material presented to the board.

(c) Oath: Any testimony of persons before the board shall be made under oath or affirmation.

(d) Witnesses: The student may present witnesses at the board meeting. The presiding officer and board may also ask other witnesses and professionals to attend the hearing and provide the board with additional information beyond what was contained in the written documentation provided to the board. If the student wishes to call a witness, the student is responsible for ensuring the witness is available and present at the time of the hearing.

(e) Exclusion: As the hearing will cover sensitive material, the presiding officer may exclude anyone from the hearing room other than the student, the student's advisor, the presiding officer, and the board.

(f) Accommodations: The student should inform the vice president of any possible need for an interpreter or any accommodation requests at least three days prior to the hearing.

(g) Questioning: The student and the board may ask questions of the witnesses, except the presiding officer may preclude any questions that are inappropriate, irrelevant, immaterial, or unduly repetitious. The presiding officer should explain to the student the reasons for rejecting any questions and will maintain a record of the questions submitted and the determinations made.

(3) Advisor: A student may be assisted by one advisor of his or her choice.

(4) Hearing on the record: A student may waive the opportunity for an in-person hearing and request the board conduct the hearing based solely on written documentation. In such a case, the student may submit written documentation of any additional evidence the student wishes the board to consider in addition to the materials provided by the dean.

(5) Records: The presiding officer shall keep a record of all materials submitted to and reviewed by the board. The presiding officer shall make and keep a recording of the hearing and subsequent tran-

script, if any. Records shall be kept for seven years and shall be kept confidential to the extent provided by law.

(6) Deliberations and decision: Following the appeal hearing, the board shall meet in private and, within seven business days, determine by majority vote whether to:

(a) Affirm the dean's decision;

(b) Affirm the dean's decision but alter the conditions imposed;
or

(c) Reverse the dean's decision and allow the student to remain enrolled with or without conditions.

(7) Service: The board's decision shall be in writing and shall set forth the reasons for the board's decision. A copy of the decision shall be served on the student and a copy provided to the vice president.

(8) Final decision: The board's decision is final and no further appeals may be made under these regulations. Judicial review of the university's decision may be available under chapter 34.05 RCW.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-21-033, § 172-135-080, filed 10/5/18, effective 11/5/18.]