

WAC 132S-100-415 Appeal process. A decision by the SCO, SCB, and/or SAB can be appealed if a written request to appeal is received by the SCO within fifteen calendar days of notification of the SCO, SCB, or SAB's decision. Failure to file a written appeal within the time period specified will result in the decision(s) becoming final with no further right of appeal.

(1) The notice of appeal must include a brief statement explaining why they are seeking review and must assign error to specific findings of fact and/or conclusions of law in the initial order and must contain argument regarding why the appeal should be granted.

A respondent, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial appeals review as provided for in these procedures.

(2) Imposition of the discipline for violation of the student code of conduct shall be stayed pending appeal, unless the respondent has been issued an interim restriction or interim suspension.

(3) The SAB will be convened in private to review all appeals submitted within the appropriate time frames to the SCO. Their appeal decision will be personally delivered or mailed to the respondent within fifteen instructional days of receiving the appeal from the SCO.

(a) If the respondent and/or complainant wish to explain their views of the matter to the SAB they shall be given an opportunity to do so in writing.

(b) The SAB may not take any action less favorable to the respondent(s), unless notice and an opportunity to explain the matter is first given to the respondent(s). In such cases, the decision notification time frame will be adjusted to thirty instructional days, to allow the respondent time to meet with the SAB.

(c) The SAB shall review the verbatim record of the meeting with the SCO and/or SCB hearing and all information provided by the parties to make a determination to affirm, reverse, or modify the SCO or SCB's decision, and/or affirm, reverse, or modify the sanctions imposed by the SCO or SCB's decision.

(4) An appeal is limited to a review by the SAB for one or more of the following purposes:

(a) To determine if the proceedings were conducted fairly in light of the charges and information presented, and in conformity with proscribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the student code of conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviation from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the respondent was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the student code of conduct occurred under the preponderance of evidence standard of proof.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the student code of conduct which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original meeting with the SCO or SCB hearing.

(5) Appeals of disciplinary action(s) will be taken in the following order:

(a) Disciplinary decisions and action taken by the SCO or SCB may be appealed by the respondent to be reviewed by the SAB.

(b) Disciplinary decisions and action taken by the SAB may be appealed by the respondent to be reviewed by the college president.

(c) The president will send notification to the respondent of their decision on the appeal within fifteen instructional days after filing an appeal with the SCO. The president shall make determinations based on the following:

(i) Affirm, reverse, or modify the SAB's decision;

(ii) Affirm, reverse, or modify the sanctions imposed by the SAB's decision; and

(iii) The president's decision is final.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-415, filed 5/25/16, effective 6/25/16.]