

WAC 495C-121-110 Appeals and referrals—Routing. (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 file a timely 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) Except as provided in WAC 495C-121-230 or elsewhere in these rules, the parties to an appeal shall be the respondent and the student conduct officer.

(4) On appeal, the student conduct officer bears the burden of establishing the factual elements of the alleged misconduct by a preponderance of the evidence, i.e., that it is more likely than not that the respondent engaged in the alleged misconduct.

(5) Imposition of a disciplinary sanction and conditions shall be stayed during an appeal, except for a summary suspension that has been imposed under WAC 495C-121-190.

(6) The student conduct committee shall hear:

(a) Appeals from disciplinary suspensions in excess of ten instructional days, and any related disciplinary condition(s);

(b) Appeals from dismissals, and any related disciplinary condition(s); and

(c) Cases referred by the student conduct officer, the conduct review officer, or the president.

(7) Appeals from the following disciplinary sanctions and related disciplinary conditions shall be reviewed through a brief adjudicative proceeding:

(a) Written disciplinary reprimands, and any related disciplinary condition(s);

(b) Disciplinary probation, and any related disciplinary condition(s); and

(c) Disciplinary suspensions of ten instructional days or less, and any related disciplinary condition(s).

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

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-110, filed 5/19/14, effective 6/19/14.]