

WAC 172-121-070 Conduct review officials. (1) **The director of SRR** or designee shall:

(a) Serve as the primary point of contact for all matters relating to student conduct code violations and proceedings;

(b) Manage the proceedings as described in this chapter;

(c) Maintain all records of conduct review proceedings as described in WAC 172-121-080;

(d) Ensure complaints are promptly investigated and resolved as required by federal and state laws; and

(e) Review off-campus incidents of alleged misconduct and make determinations as to whether the conduct involved adversely affects EWU or the EWU community and whether the conduct process should be initiated.

(2) **Conduct review officer (CRO):** The EWU president delegates to the vice president of student affairs the authority to designate one or more CRO(s). The director of SRR, dean of students, or any other qualified individual may be designated as a CRO. The CRO(s) shall preside over conduct review meetings and full conduct hearings under this chapter. For conduct review meetings, the CRO shall serve as the decision maker. For full hearings, the CRO shall serve as the presiding officer.

As the presiding officer in full hearings, the CRO has authority to:

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Issue subpoenas pursuant to RCW 34.05.446;

(d) Rule on procedural matters, objections, and motions;

(e) Rule on motions for summary judgment;

(f) Rule on offers of proof and receive relevant evidence;

(g) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;

(h) Question witnesses in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(i) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to each party's opportunity for cross-examination and rebuttal;

(j) Take official notice of facts pursuant to RCW 34.05.452(5);

(k) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(l) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(m) Issue an order of default;

(n) Hold prehearing conferences; and

(o) Take any other action necessary and authorized by any applicable statute or rule.

(3) **Student disciplinary council:** The council serves as the decision maker for full hearings with respect to a finding of responsibility. The CRO in full hearings serves as the decision maker with respect to determining appropriate sanction(s) and remedies, upon a finding of responsibility.

(a) **Council pool:** For each academic year, a pool of council members shall be established. All members of the council pool are appointed by the vice president for student affairs.

(i) Councilmembers must meet the requirements of the role to serve on the hearing board. Councilmember appointments may be revoked;

(ii) Council chair (conduct review officer): Designated CRO who chairs council proceedings;

(iii) Vacancies: Council pool shall be filled as needed through appointment by the vice president for student affairs.

(b) Session council: When a student disciplinary council is needed for a full hearing, the director or designee, shall identify available members from the council pool to serve as the session council. Each session council must include three members. The council may consist of students, staff, or faculty members. Full hearings are determined by a majority vote of the council.

(4) **Investigator:** An EWU investigator may be assigned to conduct an investigation. If an EWU investigator is assigned outside of student rights and responsibilities, the investigator will provide a written investigative report to the director of student rights and responsibilities.

(5) **Presenter in cases of a full hearing:** In full hearings, a person will present a case against the respondent on behalf of EWU. The presenter will call witnesses, ask questions, and offer evidence during the hearing. The presenter may be the director of SRR, designee, or an assistant attorney general appearing on behalf of EWU.

[Statutory Authority: RCW 28B.35.120(12). WSR 24-22-047, § 172-121-070, filed 10/28/24, effective 11/28/24; WSR 23-01-027, § 172-121-070, filed 12/9/22, effective 1/9/23; WSR 21-01-102, § 172-121-070, filed 12/11/20, effective 1/11/21; WSR 20-19-046, § 172-121-070, filed 9/10/20, effective 10/11/20; WSR 20-01-032, § 172-121-070, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-070, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-070, filed 8/9/17, effective 9/9/17; WSR 15-24-050, § 172-121-070, filed 11/23/15, effective 12/24/15; WSR 13-24-123, § 172-121-070, filed 12/4/13, effective 1/4/14; WSR 09-12-001, § 172-121-070, filed 5/20/09, effective 6/20/09.]