

WAC 516-21-250 Student rights in the conduct process. Alleged violations of the code will be resolved through the student conduct process, respecting fairness and due process for all involved parties.

(1) A student accused of violating the code, known as the respondent, has certain rights in the conduct process. These include the right to:

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board;

(b) Provide evidence on their own behalf, including the names or written statements of individuals who can offer information regarding the incident in question;

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A respondent should select as an advisor a person who is not involved in the same complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

(d) Remain silent or decline to respond to any question(s) during any conduct meeting or hearing;

(e) Review information relied upon by the conduct officer or appeals board in making a determination;

(f) Receive written notification of the findings, decision, and basis for each delivered within seven business days of the date of the final meeting with a conduct officer, or 10 business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

(i) Waive any of the rights contained in this section.

(2) An individual who has filed a complaint alleging violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, known as the complainant, has certain rights in the conduct process. These include the right to:

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board;

(b) Provide evidence on their own behalf, including the names or written statements of individuals who can offer information regarding the incident in question;

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A complainant should select as an advisor a person who is not involved in the complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

(d) Remain silent or decline to respond to any question(s) during the conduct meeting;

(e) Review information relied upon by the conduct officer or appeals board in making a determination;

(f) Receive written notification of the findings, decision and basis for each, delivered within seven business days of the date of the respondent's final meeting with a conduct officer or 10 business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

(i) Waive any of the rights contained in this section.

(3) For incidents involving sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, complainants shall have the following additional rights:

(a) To be notified of the availability of counseling, academic support, and general assistance and support resources, both on campus and in the surrounding community;

(b) Have past behavior unrelated to the alleged behavior excluded; the conduct officer, appeals board chair, or dean of students will make a final determination regarding such behavior if in question;

(c) To be free from questioning about their sexual history involving anyone other than the respondent;

(d) Submit an oral or written impact statement to the conduct officer, and/or appeals board, and/or dean of students (if applicable), for consideration;

(e) To request an administrative no contact order against the respondent(s) during the conduct process;

(f) To have alternative accommodations to avoid being in the physical presence of the respondent during the conduct process; and

(g) Be free of any form of retaliation. Complainants should report any retaliation that occurs for further action. See *POL-U1600.02 Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation*.

(4) Respondents and complainants have the right to request reasonable accommodations through Western's disability access center, and to have the reason for such requests be kept private from another involved party.

[Statutory Authority: RCW 28B.35.120(12). WSR 24-21-105, s 516-21-250, filed 10/18/24, effective 11/18/24. Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-250, filed 12/9/11, effective 1/9/12.]