

WAC 132E-122-270 Appeals—All cases. The following general rules apply to appeals of disciplinary action at any stage of the student disciplinary proceeding.

(1) **Parties.** The parties to an appeal shall be the respondent, and complainant in a proceeding involving sexual misconduct allegations, and the designated appeal authority.

(2) **Filing appeals.**

(a) **Appeal periods.** The respondent may appeal a disciplinary action by filing a written notice of appeal with the designated college official within ten business days of services of the conduct officer's decision.

(b) **Contents of appeal.** A party's written notice of appeal must clearly state the reason(s) for the appeal or request for review and provide any relevant information to support the appeal.

(c) **Issues that may be raised on an appeal.** The issues that may be raised on an appeal include: New information, contradictory information, and information indicating that the party was not afforded due process.

(d) **Failure to appeal.** The failure of a party to file a timely appeal at any stage of the proceeding waives that party's right to appeal.

(e) **Cases involving allegations of sexual misconduct.** The complainant and respondent have equal appeal rights in cases involving allegations of sexual misconduct, including filing an appeal, notice of appeal, participation in any appeal proceedings, and notification of appeal outcome.

(3) **Notification of appeal.** In proceedings involving allegations of sexual misconduct, if any party appeals, the designated appeal authority will notify the other party(ies) of such. Each party shall be afforded the opportunity to participate in the appeal proceedings.

(4) **Effect of appeal - Stay.** The implementation of disciplinary action imposing a suspension of any length or imposing expulsion shall be stayed pending the time for filing an appeal and the conclusion of disciplinary proceedings. Other disciplinary sanctions shall not be stayed.

(5)(a) **Appeal authorities.** Appeals of disciplinary action taken by the conduct officer shall be submitted to and heard by the student conduct committee (EMAIL, 2000 Tower Street, Everett, WA 98201).

(b) Appeals of disciplinary action taken by the student conduct committee shall be submitted to and heard by the vice president of instruction and student services (gmiulli@everettcc.edu, 2000 Tower Street, Everett, WA 98201).

(6) **Ex parte communications.** Appeal authorities may not communicate with any of the parties regarding an appeal without first providing notice of the filed appeal and an equal opportunity for all parties to participate.

(7) **Disqualification.** Appeal authorities may not participate in a proceeding in which they:

(a) Are a respondent, complainant, or witness.

(b) Have a direct or personal interest, prejudice, or bias; or

(c) Have acted previously in another capacity.

(8) The student conduct committee shall conduct full adjudicative hearings arising from appeals from:

(a) The imposition of disciplinary suspension in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the conduct officer, the conduct review officer, or vice president.

(9) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspension of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimand; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(10) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

(11) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the conduct officer following the same procedures as set forth above for the respondent:

(a) The dismissal of a sexual misconduct complaint; or

(b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including disciplinary warning.

[Statutory Authority: RCW 28B.50.140. WSR 18-01-119, § 132E-122-270, filed 12/19/17, effective 1/19/18.]