

**WAC 132M-126-045 Appeal from disciplinary action.** (1) Except as specified for cases involving allegations of sex discrimination, as set forth by WAC 132M-126-040(12), the respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within 21 calendar days of the student conduct officer's decision. Failure to file a notice of appeal timely 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) The parties to an appeal shall be the respondent, the complainant if any, and the student conduct officer.

(4) A respondent who timely appeals a disciplinary action or whose case is referred to the student conduct committee has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal unless the respondent has been summarily suspended.

(7) A conduct review officer shall conduct a brief adjudicative proceeding for appeals of:

(a) Suspensions of 10 instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

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

(8) The student conduct committee shall hear appeals from:

(a) Disciplinary suspensions in excess of 10 instructional days;

(b) Dismissals;

(c) Sex discrimination, including sex-based harassment cases; and

(d) Disciplinary cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.50.140(13), and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 25-01-083, s 132M-126-045, filed 12/13/24, effective 1/13/25. Statutory Authority: RCW 28B.50.140. WSR 21-01-145, § 132M-126-045, filed 12/17/20, effective 1/17/21.]