

WAC 504-26-401 Initiating conduct proceedings. (1) Complaints.

Any member of the university community may submit a complaint that a student or registered student organization violated the standards of conduct. In matters that would constitute a violation of EP15, the complaint must be submitted to CCR or initiated by CCR pursuant to EP15. In addition, CCS may initiate conduct proceedings when it receives any direct or indirect report of conduct that may violate the standards of conduct.

(2) Decision not to refer the matter to a hearing. Except as provided below, if the conduct officer decides not to refer the matter to a hearing, the conduct officer must notify the reporting party in writing of the decision, the reasons for the decision, and how to seek review of the decision. Conduct matters may be reopened if new relevant information becomes known. A conduct officer cannot dismiss a matter received from CCR where CCR completed an investigation implicating EP15. In such cases, the matter must be referred to a conduct hearing, which must be held within 60 days of the date the CCR investigation is completed, unless good cause exists to extend the date of the hearing or the matter is resolved through agreement or alternative dispute resolution.

(3) Agreement and alternative dispute resolution. A conduct officer may resolve a matter by agreement. Agreements may be reached directly or through alternative dispute resolution including, but not limited to, shuttle diplomacy or mediation. Parties involved in matters implicating EP15 also may participate in an informal resolution process outlined in EP15 and the CCR procedural guidelines at any time prior to a determination of responsibility. When resolution of a matter is reached by agreement or alternative dispute resolution, the agreement must be in writing and signed by the parties and the conduct officer. In the agreement, the parties must be advised in writing that:

(a) The disposition is final and they are waiving any right to a hearing on the matter, including any right to appeal; and

(b) If any party decides not to sign the agreement, and the matter proceeds to a hearing, neither the agreement nor a party's refusal to sign will be used against either party at the hearing.

(4) Referral for adjudication. Except as provided in subsection (2) of this section, if CCS determines that a conduct hearing is warranted, and the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a brief adjudication in accordance with WAC 504-26-402 or a full adjudicative proceeding in accordance with WAC 504-26-403. In determining which process is appropriate, CCS considers factors including, but not limited to, the nature and severity of the allegations, the respondent's past contacts with CCS, the range of possible sanctions that would be appropriate given the alleged conduct, and whether the alleged conduct constitutes sex discrimination or sex-based harassment. A student may request a full adjudicative proceeding, but the final decision regarding whether to refer the matter to a full adjudicative proceeding for resolution is made by CCS and is not subject to appeal.

[Statutory Authority: RCW 28B.30.150. WSR 24-23-093, s 504-26-401, filed 11/19/24, effective 12/20/24; WSR 22-23-142, § 504-26-401, filed 11/21/22, effective 1/1/23; WSR 21-07-057, § 504-26-401, filed 3/15/21, effective 4/15/21; WSR 18-23-083, § 504-26-401, filed 11/19/18, effective 12/20/18; WSR 17-13-049, § 504-26-401, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-401, filed

5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-401, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-401, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-401, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-401, filed 11/22/06, effective 12/23/06.]