

WAC 132Q-10-335 Appeals of misconduct—Review of decision. (1)

An initial decision reached by the student conduct board, the student conduct officer, or the student conduct administrative panel may be appealed by the accused student to the appeals board. The written appeal shall be filed with the chief student services officer within twenty calendar days of the date of the decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the initial decision of student conduct officer, the student conduct board, or the student conduct administrative panel shall be deemed final. The student's written appeal must include a brief statement explaining why he/she is seeking review. The statement should identify whether any of the specific findings of fact and/or conclusions of law in the initial order are wrong and must contain argument regarding why the appeal should be granted.

(2) The parties to an appeal shall be the respondent and either the student conduct officer, the student conduct board, or the student conduct administrative panel.

(3) An accused student, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial hearing as provided in these procedures.

(4) Appeals of disciplinary matters involving allegations of sexually violent conduct as defined in WAC 132Q-10-105(18) and further detailed in WAC 132Q-10-244 shall also include the supplemental appeal procedures set forth in WAC 132Q-10-501 through 132Q-10-503.

(5) Appeals are reviewed by the appeals board. Except as required to explain the basis of new information, an appeal is limited to a review of the student's written appeal which includes his/her written argument, a verbatim record of the hearing record with the student conduct officer, the student conduct board, or the student conduct administrative panel and supporting documents for one or more of the following purposes:

(a) Determine whether the initial disciplinary hearing was conducted fairly in light of the charges, and whether information was presented in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice is evident.

(b) Determine whether the decision is supported by the evidence.

(c) Determine whether the sanctions imposed are appropriate for the violation which the student was found to have committed.

(d) Consider new information, sufficient to alter a decision, or other relevant facts not disclosed in the original hearing, because such information and/or facts were not known to the student appealing at the time of hearing with the student conduct officer, the student conduct board, or the student conduct administrative panel.

(6) The appeal board shall not engage in "ex parte" communication with any of the parties regarding an appeal.

(7) The appeal board shall review the record and make one of the following determinations:

(a) Affirm the decision and uphold sanctions; or

(b) Reverse the decision and dismiss; or

(c) Affirm the decision and modify the sanctions imposed; or

(d) Remand for a full hearing before the student conduct administrative panel.

(8) The student is notified of the appeal board's decision within twenty calendar days from the date of the appeal letter. If the college is not in session, this period may be reasonably extended. The appeal board's decision, unless it is a decision to remand for a full hearing before the student conduct administrative panel, is the college's final order.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-335, filed 7/21/15, effective 8/21/15.]