

WSR 22-12-042

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed May 25, 2022, 3:37 p.m., effective June 25, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarifies the process for academic integrity cases at Eastern Washington University. Clarifies how members of the academic integrity board (AIB) are appointed, how deadlines are calculated, the process for faculty to report violations, and the process for referring cases over to the student conduct code process when there is a possibility of suspension or expulsion.

Citation of Rules Affected by this Order: Amending WAC 172-90-010, 172-90-020, 172-90-100, 172-90-120, 172-90-140, 172-90-160, and 172-90-170.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 22-07-035 on March 11, 2022.

Changes Other than Editing from Proposed to Adopted Version: Added the possibility of a designee making a decision on behalf of the associate vice president. Based on feedback received during the process, eliminated any reference to AIB hearings, as WAC 172-90-170 is being repealed, and specified the time of academic integrity board hearings. Due to concerns about the calculation of deadlines and various academic terms, clarified that terms are based on a particular program and an extension must be requested rather than automatically granted. Also added, to align with other proposed changes, the ability to grant a continuance to the deadline for requests for review.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 20, 2022.

Annika Scharosch
Associate Vice President for Civil Rights
Compliance and Enterprise Risk Management

OTS-3645.2

AMENDATORY SECTION (Amending WSR 17-11-052, filed 5/15/17, effective 6/15/17)

WAC 172-90-010 General. These rules establish standards for student academic integrity at Eastern Washington University (EWU). EWU expects the highest standards of academic integrity of its students.

Academic integrity is the responsibility of both students and instructors. The university supports the instructor in setting and maintaining standards of academic integrity. Academic integrity is the foundation of a fair and supportive learning environment for all students. Personal responsibility for academic performance is essential for equitable assessment of student accomplishments. Charges of violations of academic integrity are reviewed through a process that allows for student learning and impartial review.

These rules apply to all EWU instructors, staff, and students admitted to the university, including conditional or probationary admittance, and to all departments and programs, in all locations, including online. These rules provide procedures for resolving alleged violations by students. All academic integrity proceedings are brief adjudicative proceedings and shall be conducted in an informal manner. If the potential sanction for a violation of this policy is a suspension or expulsion, the academic integrity board will refer the matter for a full adjudicative proceeding under the Student conduct code, chapter 172-121 WAC, as detailed below in WAC 172-90-100(~~(r)~~) and 172-90-160(~~(, and 172-90-170)~~).

[Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-010, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-010, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-010, filed 9/29/14, effective 10/30/14.]

AMENDATORY SECTION (Amending WSR 19-07-045, filed 3/14/19, effective 4/14/19)

WAC 172-90-020 Responsibilities. (1) Associate vice president for academic policy (AVP): The AVP is primarily responsible for the university academic integrity program. The AVP or designee shall:

- (a) Oversee the academic integrity program;
- (b) (~~Appoint the chair and members of the academic integrity board (AIB);~~);
- (~~e~~)) Maintain a system for academic integrity reporting and recordkeeping;
- (~~d~~)) (c) Serve as the final authority in administering the academic integrity program;
- (~~e~~)) (d) Maintain all academic integrity records per Washington state records retention standards;
- (~~f~~)) (e) Coordinate academic integrity training for instructors and students, as needed or requested; and
- (~~g~~)) (f) Develop and/or facilitate development of academic integrity program support resources, including guides, procedures, web presence, training materials, presentations, and similar resources.

Throughout this chapter and unless otherwise stated, the term "AVP," shall mean the AVP who is handling the academic integrity case or their designee.

(2) Academic integrity board (AIB): The academic integrity board is a standing committee of the faculty organization. The academic integrity board is responsible for administering and managing academic integrity functions.

- (a) The AIB shall:
 - (i) Promote academic integrity at EWU;

(ii) Review academic integrity cases, make determinations as to whether a violation occurred, and impose academic and/or institutional sanctions;

(iii) Conduct academic integrity board hearings;

(iv) Assist the AVP in development of academic integrity program support resources;

(v) Respond, as appropriate, to campus needs related to the academic integrity program;

(vi) Coordinate AIB activities with the AVP; and

(vii) Continually assess academic integrity process outcomes to ensure equitability of sanctions vis-à-vis violations.

(b) The AIB is appointed by the (~~AVP,~~) faculty senate based on recommendations from represented groups (e.g., colleges, library, ASE-WU). The AIB will select among its members a chair and vice chair. Board composition or membership may be modified to support university needs with the consent of the AVP and approval of the provost. At a minimum, AIB membership will include:

(i) Two members from each college, one primary and one alternate. Both must hold or have held instructor rank. The primary and alternate must be from different academic departments. The alternate shall serve when a case involves an instructor in the primary member's own department. The alternate may also serve when the primary member is not available. One of the primary members shall also be designated as vice chair.

(ii) One member representing EWU libraries and one alternate.

(iii) One student member representing ASEWU.

(iv) One chair (does not vote except to break a tie).

(c) The AIB holds regular meetings (~~every two weeks at fixed times and reviews cases at these meetings. The AIB also conducts AIB hearings, as needed, for academic integrity cases involving possible sanctions of suspension or expulsion~~) to review cases the first and third Thursdays of every month, or as set forth by the faculty organization. AIB reviews (~~and hearings~~) are held in abeyance during holidays, academic breaks, and other times when no classes are scheduled. AIB reviews (~~and hearings~~) may be canceled in other circumstances with the consent of the AIB chair. Any member who is unavailable shall inform the AIB chair who will arrange for a replacement.

(d) A quorum shall consist of three voting members plus the chair or vice chair.

(3) Instructors shall:

(a) Know and follow the academic integrity rules and policies of the university;

(b) Include, in each course syllabus, a reference to university academic integrity standards and a clear statement that suspected violations will be handled in accordance with those standards;

(c) Hold students responsible for knowing these rules;

(d) Foster an environment where academic integrity is expected and respected;

(e) Endeavor to detect and properly handle violations of academic integrity; and

(f) Support and comply with the determinations of the AIB and the AVP.

(4) Students shall:

(a) Demonstrate behavior that is honest and ethical in their academic work; and

(b) Know and follow the academic integrity rules and policies of the university.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-07-045, § 172-90-020, filed 3/14/19, effective 4/14/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-020, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-020, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-020, filed 9/29/14, effective 10/30/14.]

AMENDATORY SECTION (Amending WSR 19-07-045, filed 3/14/19, effective 4/14/19)

WAC 172-90-100 Violations and sanctions. (1) **Violations:** Violations of academic integrity involve the use or attempted use of any method or technique enabling a student to misrepresent the quality or integrity of any of his or her work. Violations of academic integrity include, but are not limited to:

(a) Plagiarism: Representing the work of another as one's own work;

(b) Preparing work for another that is to be used as that person's own work;

(c) Cheating by any method or means;

(d) Knowingly and willfully falsifying or manufacturing scientific or educational data and representing the same to be the result of scientific or scholarly experiment or research; or

(e) Knowingly furnishing false information to a university official relative to academic matters.

(2) **Classes of violations:**

(a) Class I violations are acts that are mostly due to ignorance, confusion and/or poor communication between instructor and class, such as an unintentional violation of the class rules on collaboration. Sanctions for class I offenses typically include a reprimand, educational opportunity, and/or a grade penalty on the assignment/test.

(b) Class II violations are acts involving a deliberate failure to comply with assignment directions, some conspiracy and/or intent to deceive, such as use of the internet when prohibited, fabricated end-notes or data, or copying answers from another student's test. Sanctions for class II offenses typically include similar sanctions as described for class I violations, as well as a course grade penalty or course failure.

(c) Class III violations are acts of violation of academic integrity standards that involve significant premeditation, conspiracy and/or intent to deceive, such as purchasing or selling a research paper. Sanctions for class III violations typically include similar sanctions as given for class I and II violations, as well as possible removal from the academic program and/or suspension or expulsion.

(3) **Sanctions:** A variety of sanctions may be applied in the event that a violation of academic integrity is found to have occurred. Sanctions are assigned based primarily on the class of the violation and whether or not the student has previously violated academic integrity rules. Absent extenuating circumstances, assigned sanctions are imposed without delay and are not held in abeyance during appeal actions. Sanctions may be combined and may include, but are not limited to:

(a) Verbal or written reprimand;

- (b) Educational opportunity, such as an assignment, research or taking a course or tutorial on academic integrity;
- (c) Grade penalty for the assignment/test;
- (d) Course grade penalty;
- (e) Course failure;
- (f) Removal from the academic program;
- (g) Suspension for a definite period of time; and
- (h) Expulsion from the university.

If a student was previously found to have violated an academic integrity standard, the sanction imposed for any subsequent violations should take into account the student's previous behavior. Sanctions of suspension or expulsion may be noted on a student's transcript.

(4) Sanctioning authorities:

(a) Instructors may impose reprimands, educational opportunities, grade penalties, and/or course failure sanctions and may recommend more severe sanctions.

(b) The academic integrity board (AIB) has the authority to impose the same sanctions as an instructor, or to modify any sanctions imposed by the instructor. In addition, the AIB may remove a student from an academic program, with the concurrence of the instructor and the department chair. ~~((The AIB may also refer the case for an AIB hearing per WAC 172-90-170 for cases where possible sanctions include suspension or expulsion.))~~

~~(c) ((An AIB hearing panel's recommendation to suspend or expel a student will be forwarded to the director of student rights and responsibilities.))~~ If, after determining that a student has engaged in an academic integrity code violation and imposing the academic sanctions identified in (a) and/or (b) of this subsection, the AIB believes that a suspension or expulsion may be appropriate, the AIB may, in addition to imposing such sanctions, refer the case to the director of student rights and responsibilities for a full hearing under the student conduct code, chapter 172-121 WAC. If the AIB recommends a case for a possible suspension or expulsion, the director of student rights and responsibilities will ensure the student is provided with a full hearing under the student conduct code, chapter 172-121 WAC. In such cases, a member of the AIB hearing panel will ((serve as the "complainant" for purposes of the student conduct code process. The AIB hearing panel member will explain the hearing panel's findings and recommendations to the conduct review officer. The conduct review officer)) provide a written statement for the student conduct hearing as to why the case has been forwarded to student rights and responsibilities. The student disciplinary council will make its own factual determinations and may impose a sanction of suspension or expulsion, or a lesser sanction as set forth in the student conduct code, in accordance with the student conduct code. The student disciplinary council cannot impose an academic sanction as those are determined by the AIB. The student disciplinary council's sanctions are in addition to any sanctions imposed by the AIB.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-07-045, § 172-90-100, filed 3/14/19, effective 4/14/19; WSR 18-06-020, § 172-90-100, filed 2/27/18, effective 3/30/18. Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-100, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-100, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-100, filed 9/29/14, effective 10/30/14.]

AMENDATORY SECTION (Amending WSR 19-07-045, filed 3/14/19, effective 4/14/19)

WAC 172-90-120 Initiation. (1) **Reporting:** Each member of the university community is responsible for supporting academic integrity standards. Any person who suspects a violation of these rules is expected to report their suspicion to the course instructor or other appropriate university official. Students are strongly encouraged to report suspected violations to the course instructor, the AVP, or other university official.

Throughout this chapter, the term "instructor" shall refer to the instructor or other university official who reports a suspected violation under this chapter.

A person who knowingly makes a false allegation that a violation of these rules has occurred, will be subject to disciplinary action as appropriate.

(2) **Authority:** The primary responsibility for bringing a charge of violating academic integrity standards rests with the instructor. Graduate assistants, teaching assistants, research assistants, student workers, exam proctors, online coordinators and any other persons who assist or support an instructor in teaching should report suspected violations of academic integrity standards to the instructor of record.

Instructors may be represented by their academic department chair in cases where the instructor is unavailable or otherwise unable to actively participate in the process.

(3) **Contact student:** If an instructor suspects that a violation has occurred, the instructor may elect to discuss the matter with the student or contact the student via email or other form of electronic communication prior to taking any other action.

(4) **Instructor action:** In response to a report or suspicion of violation of academic integrity standards, the instructor has the following options:

(a) Dismiss the matter: If the instructor concludes that there is no violation of these rules, the matter is over.

(b) Resolve internally (internal resolution): If the instructor believes that the student committed a class I violation of academic rules, the instructor may take one or more of the following actions without entering an official violation per subsection (5) of this section:

(i) Instruct the student on academic integrity standards and explain how the student failed to comply with those standards;

(ii) Allow the student to modify or redo the assignment; and/or

(iii) Provide the student with an educational opportunity to re-iterate academic integrity (such as an assignment, research, course or tutorial on academic integrity).

Note: If an instructor intends to impose any sanction that will affect the student's course grade, he/she must initiate the academic integrity process; internal resolution may not be used in such cases.

If the student does not cooperate with the internal resolution, the instructor should initiate the formal academic integrity process by reporting the violation as described in subsection (5) of this section.

(c) Initiate the academic integrity process: If the instructor believes that the student violated academic integrity standards and internal resolution is not appropriate, the instructor shall initiate the academic integrity process by reporting the violation to the AVP per institutional practice.

(5) **Report violation:** To initiate an academic integrity action, the instructor provides information regarding the violation to the AVP, including:

- (a) A description of the alleged violation;
 - (b) A summary of any conversations the instructor has had with the student regarding the violation;
 - (c) The sanction(s) imposed and/or recommended by the instructor;
- and
- (d) The method of resolution desired by the instructor (i.e., summary process(~~(7)~~) or AIB review(~~(7 or AIB hearing)~~)).

When reporting the violation, the instructor (~~(may)~~) will also submit documents (e.g., syllabus, test, essay, etc.) that are pertinent to the violation being reported. (~~(Alternatively, the instructor may elect to defer providing such documents unless or until the materials are later requested by the student, AVP, or the AIB.)~~)

Instructors should initiate this process within seven calendar days after becoming aware of the suspected violation. If the instructor attempted to contact the student via email or another form of electronic communication and the student is not responsive, the instructor should initiate the process up to seven calendar days after the first electronic communication. In cases where the student has agreed to certain conditions to resolve the matter internally, per subsection (4)(b) of this section, and the student has failed to comply with those conditions, the instructor may initiate the process up to seven calendar days after the student has failed to meet a resolution condition.

(6) **AVP review.** After a violation has been reported, the AVP will determine whether the summary process(~~(7)~~) or AIB review process(~~(7 or AIB hearing process)~~) will be used.

In cases where the student has any prior violation, the AVP must process the case for AIB review under WAC 172-90-160(~~(7 or AIB hearing under WAC 172-90-170)~~).

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-07-045, § 172-90-120, filed 3/14/19, effective 4/14/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-120, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-120, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-120, filed 9/29/14, effective 10/30/14.]

AMENDATORY SECTION (Amending WSR 19-07-045, filed 3/14/19, effective 4/14/19)

WAC 172-90-140 Summary process. (1) **Initiation:** The summary process may be initiated when:

- (a) The instructor and student both agree to the summary process;
 - (b) The AVP agrees that the summary process is appropriate to the circumstances;
 - (c) The student has no prior violations of academic integrity;
- and
- (d) The alleged behavior would most likely not warrant a sanction of suspension or expulsion.

(2) **Student notification:** The AVP will notify the student of the violation, proposed sanctions, and of their response options. Notification will be made to the student's official university email ad-

dress. If the student is no longer enrolled in the university, the AVP shall send the notification to the student's last known address. Notification will include:

(a) All information provided by the instructor when the violation was reported and all documents related to the alleged violation. However, information and documents should be redacted to the extent their release would compromise test or examination contents or if the documents include other student's education records;

(b) Documents related to the alleged violation;

(c) A description of the university's academic integrity rules and processes, including a list of possible sanctions;

(d) A description of the student's options; and

(e) Contact information for the AVP's office where the student can request further information and assistance.

(3) Student response options:

(a) Concur: The student may accept responsibility for the stated violation and accept all sanctions imposed and/or recommended by the instructor. The student indicates their acceptance by following the instructions provided with the notification. The AVP will coordinate sanctioning with the instructor and/or the AIB as needed.

(b) Conference: If a conference had not already occurred, the student may request to meet with the instructor in order to discuss the alleged violation and/or proposed sanction(s). If the instructor declines the request, the matter will be referred to the AIB for further review and action. The instructor and student may discuss the matter by any means that is agreeable to both (e.g., in-person, telephonically, or via email). The student shall contact the instructor to arrange a discussion time/method.

(i) In arranging a conference, the instructor shall make a reasonable effort to accommodate the student's preferences, but is not obligated to meet with the student outside of normal "office" hours. If the student and instructor cannot agree on a date/time to meet, the instructor or student may refer the matter to the AIB for review and action.

(ii) During a conference, the instructor and student will attempt to reach an agreement regarding the allegation and sanction(s).

(iii) If the student and instructor come to an agreement, the instructor will inform the AVP of the outcome. The AVP will coordinate sanctioning with the instructor and/or the AIB as needed.

(iv) If the student and the instructor cannot come to an agreement within seven (~~instruction~~) calendar days, the instructor will inform the AVP and the matter will then be referred for AIB review and action.

(c) AIB review: The student may request that the matter be referred to the AIB for review and further action.

(d) Failure to respond: If the student does not respond to the notification within (~~three instruction~~) seven calendar days, the AVP will send another notification to the student. Failure of the student to respond to the second notification within (~~three instruction~~) seven calendar days will be treated as an admission of responsibility and acceptance of the proposed sanctions. The AVP will coordinate with the instructor to impose the appropriate sanction(s).

(4) Extensions. If any of the notifications in this process are sent to a student or faculty member outside of the relevant program's academic term, the AVP may grant the student or faculty member a continuance to the deadline for responding upon request.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-07-045, § 172-90-140, filed 3/14/19, effective 4/14/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-140, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-140, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-140, filed 9/29/14, effective 10/30/14.]

AMENDATORY SECTION (Amending WSR 20-21-026, filed 10/9/20, effective 11/9/20)

WAC 172-90-160 Academic integrity board review process. (1) **Initiation:** The AIB review process will be initiated when:

- (a) The instructor or student requests AIB review;
- (b) The instructor refers the matter to the AIB because the instructor and student could not agree to a conference date/time or did not reach an agreement during a conference; or
- (c) The AVP determines that the AIB review process is appropriate to the circumstances.

(2) **Scheduling:** Within (~~(five instruction)~~) seven calendar days of determining that an AIB review is in order, the AVP shall schedule a review for the next available meeting of the AIB.

(3) **Notification:** The AVP will notify the student, instructor, and AIB chair. Notification will include:

(a) All information provided by the instructor when the violation was reported and all documents related to the alleged violation. However, any such information and documents that were previously provided to the student are not required to be included in this notification. Also, information and documents should be redacted to the extent their release would compromise test or examination contents or if the documents include other student's education records;

(b) The date/time of the AIB review;

(c) Instructions on how to submit documents, statements, and other materials for consideration by the AIB;

(d) A clear statement that the AIB review is a closed process (no student, instructor or person other than the board is present at the review);

(e) A description of the specific rules governing the AIB review process;

(f) A description of the university's academic integrity rules and processes; and

(g) Contact information for the AVP's office where the student and/or instructor can request further information and assistance. Notifications will strongly encourage the student to contact the AVP to ensure that the student understands the process, the violation, and the potential sanctions.

(4) **Student and instructor response:** The student must prepare a written statement and submit the statement to the AVP's office within (~~(three instruction)~~) seven calendar days after receiving the AIB review notice. The student may include any relevant written documentation, written third-party statements, or other evidence deemed relevant to the student's interests. Unless already provided, the instructor should submit the syllabus, the relevant test/assignment, and other materials that are pertinent to the violation to the AVP's office.

(5) **Failure to respond:** If the student does not respond to the notification of the AIB review within ~~((three instructional))~~ seven calendar days, the AVP will send another notification to the student. Failure of the student to respond to the second notification within ~~((three instruction))~~ seven calendar days will be treated as an admission of responsibility and acceptance of ~~((the proposed))~~ AIB approved sanctions. The AVP will coordinate sanctioning with the instructor and/or the AIB as needed. If ~~((a recommended sanction requires higher level authority to impose, the AIB will proceed with a hearing.~~

~~((6)))~~, after determining that a student has engaged in an academic integrity code violation and imposing the academic sanctions, the AIB believes that a suspension or expulsion may be appropriate, the AIB may, in addition to imposing such sanctions, refer the case to the director of student rights and responsibilities for a full hearing under the student conduct code, chapter 172-121 WAC, for the student disciplinary council to make a determination as to whether or not suspension or expulsion should also be imposed. The hearing before the student disciplinary council will be de novo and separate from any findings and sanctions imposed by the AIB.

(6) Extensions. If any of the notifications in this process are sent to a student or faculty member outside of the relevant program's academic term, the AVP may grant the student or faculty member a continuance to the deadline for responding upon request.

(7) Proceedings: The board's responsibility is to review the statements and other materials provided by each party, review other relevant records, information, or materials, and make a determination as to whether the alleged academic integrity violation occurred. The board primarily reviews written evidence. Neither the student nor the instructor is permitted to attend the AIB review. The board may, at its discretion, consult with the instructor, the student or others as deemed appropriate or necessary. All evidence collected in this process will be made available to the student and/or instructor upon request.

~~((7)))~~ (8) Sanctions: The board will determine what, if any, sanctions will be imposed. The board may impose the same sanctions assigned and/or recommended by the instructor, or may impose greater or lesser sanctions. If the student has any previous violation(s) of academic integrity standards, the AIB may increase the sanction imposed to account for repeat offenses. If the ~~((board decides to pursue sanctions that include suspension or expulsion, the board shall initiate an AIB hearing per WAC 172-90-170.~~

~~((8)))~~ AIB believes a suspension or expulsion may be appropriate, the AIB will make its own findings of responsibility and may impose an academic sanction that is within its authority. The AIB may then refer the case for a full hearing under the student conduct code, chapter 172-121 WAC, for the student disciplinary council to make a determination as to whether or not suspension or expulsion should also be imposed. The hearing before the student disciplinary council will be de novo and separate from any findings and sanctions imposed by the AIB.

(9) Conclusion: The board should conclude its review and issue a decision within ~~((thirty))~~ 30 calendar days after the ~~((violation was initially reported))~~ initial AIB review meeting. The AVP shall notify the student and instructor of the board's decisions, along with the right to request reconsideration.

~~((9)))~~ (10) Requests for review: Either the student or the instructor may request reconsideration by the provost or designee by submitting a request in writing to the provost or designee within

~~((twenty-one))~~ 21 calendar days after the board issues its written decision. The AVP may grant the student or instructor a continuance to the deadline for requesting a review based on extenuating circumstances. The provost or designee shall allow the student and the instructor an opportunity to respond in writing to the request for review. The student and instructor's responses, if any, must be submitted within ~~((five instructional))~~ seven calendar days of the request for review. If the student has a case pending under the student conduct code based on the same alleged misconduct, the timelines for requesting review and the timelines for responding will be stayed until the student disciplinary council issues its decision under the student conduct code. If the AIB recommended a suspension or expulsion and the case was forwarded for a full hearing under the student conduct code, the imposition of a sanction of suspension or expulsion may be appealed in accordance with the appeals process set forth in WAC 172-121-130. If the AIB imposed a sanction, such as an XF grade or removal from an academic program, such sanction may be appealed to the provost in accordance with this section.

After reviewing the responses and materials considered by the board, the provost or designee shall issue a decision in writing within ~~((twenty))~~ 21 calendar days of receipt of the request for review. The decision must include a brief statement of the reasons for the provost or designee decision and notice that judicial review may be available. All decisions of the provost or designee are final and no appeals within the university are permitted. Judicial review may be available under chapter 34.05 RCW.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 20-21-026, § 172-90-160, filed 10/9/20, effective 11/9/20; WSR 19-07-045, § 172-90-160, filed 3/14/19, effective 4/14/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-11-052, § 172-90-160, filed 5/15/17, effective 6/15/17; WSR 15-14-079, § 172-90-160, filed 6/29/15, effective 7/30/15; WSR 14-20-082, § 172-90-160, filed 9/29/14, effective 10/30/14.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 172-90-170 Academic integrity board hearing.