

WAC 106-125-045 Appeal and review procedures—General. The following general rules apply to appeals or requests for further administrative review of disciplinary action at any stage of a student disciplinary proceeding.

(1) **Parties.** The parties to an appeal or review proceeding shall be the respondent, any complainant in a proceeding involving sexual misconduct allegations, and the student conduct officer.

(2) **Filing of appeals.**

(a) **Appeal periods.** An appeal or request for review of disciplinary action must be filed with the designated university official within the applicable time period as further specified in these rules.

(b) **Contents of appeal.** A party's written notice of appeal or request for review must explain why the party disagrees with the disciplinary decision and what relief or remedy the party is requesting. The appeal or request for review must address one or more of the following grounds:

(i) **Insufficient evidence.** The disciplinary action taken was not supported by a preponderance of the evidence.

(ii) **New evidence.** New evidence not available at the time the disciplinary action was taken should result in a different outcome.

(iii) **Procedural or other error.** The disciplinary action was taken in violation of prescribed procedures or was based on an erroneous interpretation or application of the student conduct code.

(iv) **Disproportionate outcome.** The disciplinary action taken was not proportionate to the student conduct violation(s) alleged.

(c) **Failure to appeal.** The failure of a party to file a timely appeal or request for review at any stage of the proceeding waives that party's right to appeal. However, in a proceeding involving sexual misconduct allegations, if any party appeals, the university official receiving the appeal or request for review will notify the other parties and will afford each party the opportunity to participate in the appeal or review proceeding.

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

(4) **Reviewing authority.**

(a) Appeals of disciplinary action taken by the student conduct officer will be heard by the conduct review officer or student conduct council as further provided in these rules.

(b) Appeals of disciplinary action taken by the conduct review officer in a brief adjudicative proceeding will be heard by the dean of student success (or designee) as further provided in these rules.

(c) Disciplinary action recommended by the student conduct council will be heard by the conduct review officer as further provided in these rules.

(5) **Ex parte communications.** Reviewing authorities (the conduct review officer, student conduct council members, and the dean) may not communicate with any of the parties regarding an appeal without providing notice and an opportunity for all parties to participate.

(6) **Disqualification.** Reviewing authorities may not participate in a proceeding in which they:

(a) Are a complainant or witness;

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

(c) Have previously acted in the same proceeding in another capacity.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 15-24-054, § 106-125-045, filed 11/23/15, effective 12/24/15.]