WAC 172-125-240 Appeals of student disciplinary council decisions. (1) **Timeline.** Either party may file an appeal from the student disciplinary council's decision. Appeals must be submitted in writing by 5:00 p.m. PST within seven calendar days from the date the student disciplinary council's decision is sent to the parties. Appeals must be submitted via email to srr@ewu.edu. The appeal must include the party's name and why they believe the student disciplinary council's decision was incorrect based on the bases for appeal outlined below.

(2) **Basis for appeal.** Appeals may be filed for one or more of the following reasons:

(a) Procedural irregularity that would change the outcome of the student disciplinary council's decision;

(b) New evidence that would change the student disciplinary council's decision that was not reasonably available when the investigative report was finalized; or

(c) A member of the student disciplinary council or the presiding officer had a conflict of interest or bias for or against complainants or respondents generally or the individual parties that would change the outcome of the investigation.

(3) **Response.** Once an appeal is filed, the office of student rights and responsibilities will serve the other party with a copy of the appeal. The other party will be given five calendar days to provide a written response to the appeal.

(4) **Stay of sanctions.** Sanctions go into effect immediately after the council's decision is issued. If the respondent wishes to have a sanction stayed during the appeal process, a request for a stay must be filed along with the notice of appeal. The request for the stay will be reviewed by the director or designee. The stay may be granted in part or in its entirety, at the discretion of the director. The decision will be served on the respondent and the complainant. This decision is not subject to appeal.

(5) **Appeal authority.** Appeals will be determined by the vice president for student affairs or designee. The director will provide the appeal authority with the notice of appeal, any responses to the appeal, and the complete record of the student disciplinary council hearing. Before rendering a decision, the appeal authority may request additional information or explanation from the parties. However, except as required to explain the basis of new information, an appeal shall be limited to a review of the evidence presented to the student disciplinary council.

(6) **Decisions.** After reviewing the appeal, the appeal authority may affirm, reverse, modify, or remand the decision(s) of the student disciplinary council. The appeal decision shall include an explanation of the appeal authority's decision and rationale. The appeal decision must be issued within 30 calendar days of the appeal authority receiving all necessary documentation. In cases where the appeal authority remands the decision or sanction, the case will be returned to the student disciplinary council or presiding officer for reconsideration or other action as specified by the appeal authority. With respect to sanctions, the appeal authority may affirm, reverse, remand, or modify the sanctions assigned to the respondent. When determining sanctions, the appeal authority may consider the complete record of the respondent's prior conduct and academic performance in addition to all other information associated with the case.

(7) **Notification.** Once the appeal authority has made a final decision to affirm or reverse and/or to modify the sanctions assigned, the appeal authority shall draft a brief written statement setting

forth the outcome of the appeal and the basis for their decision. The written statement is then forwarded to the director. The director shall serve the complainant and respondent with the written statement. The notice will also inform the parties that the appeal authority's decision is final and no further appeals may be made within the university. Judicial review of the university's decision may be available under chapter 34.05 RCW.

[Statutory Authority: RCW 28B.35.120(12). WSR 25-14-092, s 172-125-240, filed 7/1/25, effective 8/1/25. Statutory Authority: RCW 28B.35.120(12), Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., section 504 of the Rehabilitation Act of 1973, Americans with Disability Act of 1990, 42 U.S.C. § 12101 et seq., and chapter 28B.112 RCW. WSR 24-22-048, s 172-125-240, filed 10/28/24, effective 11/28/24.]