

Overview of WSU's Student Conduct Process

Below is some general information on WSU's student conduct process. For more information, please review WAC Chapter 504-26.

COMPLAINT and the STUDENT CONDUCT OFFICER

- **Complaint.** WSU's conduct process starts when a complaint is forwarded or "filed" with the Office for Student Conduct (OSC). Any member of the university community, including community members, or a student conduct officer on behalf of the University, may file a complaint against the student for violations of the Standards of Conduct for Students.
- **Notification.** An OSC student conduct officer reviews the complaint and investigates whether it is valid. The student conduct officer will notify the student of the basis for the alleged violations of the Standards and a time for a conference with the student and the conduct officer. This notice will come to the student via their official WSU email account.
- **Conference.** The conduct officer conference is informal, and the student will be informed of the potential sanctions at the conference.
- **Student Conduct Officer Actions.**
 - The conduct officer will review all of the information before him/her and interview the students involved in the matter.
 - If the conduct officer determines the claim has merit, the matter is resolved through an informal hearing with the conduct officer or as a hearing in front of the University Conduct Board.
 - The conduct officer will then either (1) terminate the proceeding; (2) dismiss the matter; (3) impose appropriate sanctions; or (4) refer the matter to the University Conduct Board.
 - If it is valid, the conduct officer determines whether the matter might be resolved through an agreement or alternative dispute resolution. There are some serious matters (e.g., sexual assault) that cannot be resolved by agreement or alternative dispute resolution.
- **Notification of Decision.**
 - The student will be notified of the student conduct officer's decision within 10 business days of the informal hearing. The student has the right to appeal this determination under WAC 504-26-407.

UNIVERSITY CONDUCT BOARD

- **Referral.** The student conduct officer refers the matter to the University Conduct Board at his/her discretion.
 - The conduct officer makes the determination of whether or not to refer the conduct matter to the University Conduct Board. This decision is not subject to appeal. The conduct officer must refer the matter to the University Conduct Board if the complaint involves a matter that could result in expulsion or suspension.
- **Notice of Referral.** A student that will be asked to come before the Conduct Board will be provided notice of the referral by personal delivery or US mail and via the student’s official WSU email address. The written notice will come from a student conduct officer, and will include the nature of the complaint and specific Standards alleged violated, approximate time or place of the events that led to the complaint, and a time and place for the University Conduct Board hearing. The notice will also include a list of witnesses that may be called at the hearing and all information that will be used at the hearing, to the extent it is known at that time.
- **University Conduct Board Hearing Process.**
 - University Conduct Board hearings are Brief Adjudicative Proceedings (BAPs) under the Washington Administrative Procedure Act and the Washington Administrative Code. RCW 34.05.485; WAC 504-04-010(1). BAPs are not formal adjudicative proceedings under the APA, and are not civil or criminal court hearings; therefore, they have fewer procedural requirements.
 - Conduct board hearings do not follow or use the formal rules of process, procedure, or evidence—they are educational rather than judicial.
 - University Conduct Board hearings are conducted privately, but the complainant, accused student, and his or her advisor are allowed to attend. The Conduct Board will be present at the hearing, as will a student conduct officer. Others may attend at the discretion of the Conduct Board Chair or student conduct officer.
 - University Conduct Board hearings are not adversarial and are educational in nature. Attendees are expected to act appropriately, but may be dismissed.
- **Witness/Information at Hearings.**
 - The conduct officer will try to arrange that witnesses identified by the complainant attend the hearing. These witnesses must provide statements, if any, at least two weekdays before the hearing.
 - The accused student is responsible to arrange for his/her own witnesses to attend the hearing. The accused student’s witnesses must provide written statements, if any, at least two days before the hearing.
 - The accused student may choose not to attend the hearing, but the conduct board will proceed in his or her absence.
 - Although questions may be suggested by anyone attending the hearing, only the conduct board members may ask witnesses questions.
 - The chair of the conduct board determines what information may be presented at the hearings.
- **Decision.**

- Conduct board decisions are determined on the basis of preponderance of the evidence (more likely than not) and by majority vote.
- The Conduct Board’s decision will be provided to the accused student by personal delivery or US mail within 10 calendar days of the date of the hearing.
- The accused student or complainant may appeal the Conduct Board’s decision.

APPEAL

- A student conduct officer or University Conduct Board’s decision may be appealed by the complainant or accused to the University Appeals Board in the manner described in the decision letter. This appeal must be made within 21 days of the date of the decision letter.
- **University Appeals Board Process.** Appeals are not re-hearings—they are limited to the record of the conduct officer or Conduct Board hearing and any supporting documents. Thus, witnesses and testimony will not be presented to the Appeals Board.
 - Appeals are limited to determine whether the initial hearings were procedurally fair, the decision was based on substantial information, the sanctions imposed were appropriate, or to consider new information not available or known at the initial hearing.
 - The complainant, accused, or student conduct officer may explain their view of the matter to the University Appeal Board in writing.
- **Decision.** The University Appeals Board decision will be mailed or delivered to the student within 20 days from the day the appeal was submitted. If the Appeals Board does not provide the response within 20 days, the request for appeal is deemed denied.
 - The decision is effective as soon as it is signed, except in cases of expulsion or loss of recognition. In those cases, the decision is effective 10 days from the date the order is signed.
- **Presidential Review.** WSU’s President may only review a decision in cases of expulsion or loss of recognition. The President may convene the Appeals Board without notice to the parties, and the Appeals Board will provide notice to the accused student and the opportunity to explain the matter if the Appeals Board considers taking an action less favorable to a student.

SANCTIONS

- Sanctions are imposed on students to educate, deter future misconduct, and attempt to ensure the Student’s success at WSU. They are not punitive in nature. Sanctions are listed in WAC 504-26-405.