



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 31, 2024

TIME: 2:31 PM

WSR 24-16-075

Agency: Lower Columbia College

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) August 1, 2024

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To bring the college's student conduct code (the code) into compliance with a new Final Rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students.

Citation of rules affected by this order:

New: 132M-126 -037;
Repealed: 132M-126-050; 132M-126-110; 132M-126-115; 132M-126-120; 132M-126-125; 132M-126-130; 132M-126-135; 132M-126-140; 132M-126-145; 132M-126-150; 132M-126-155
Amended: 132M-126-005; 132M-126-010; 132M-126-015; 132M-126-020; 132M-126-025; 132M-126-030; 132M-126-035; 132M-126-036; 132M-126-040; 132M-126-045; 132M-126-055; 132M-126-060; 132M-126-070; 132M-126-075; 132M-126-080; 132M-126-085; 132M-126-090; 132M-126-100;
Suspended:

Statutory authority for adoption: RCW 28B.50.140(13)

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: On April 19, 2024, the U.S. Department of Education released its Final Rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. The deadline for implementing this new rule is August 1, 2024.

In addition to complying with the new Final Rule, the college is updating its student conduct code to address the extent of the college's jurisdiction, abuse of others, abuse in later life, plagiarism with the use of artificial intelligence, deliberate damage to another's academic work, discriminatory harassment, harassment or bullying, hazing, a warning as a corrective action, expanding disciplinary terms and conditions to include campus housing suspension or termination, and procedures in student conduct matters. These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	<u>1</u>	Amended	<u>18</u>	Repealed	<u>11</u>
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: July 31, 2024

Name: Kendra Sprague

Title: Vice President of Foundation, HR, & Legal Affairs,
Lower Columbia College

Signature:

