



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 03, 2020

TIME: 12:49 PM

WSR 20-22-094

Agency: Lower Columbia College

Original Notice

Supplemental Notice to WSR

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 20-18-062 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 132 M-125 Code of Student Conduct repeal and replace with new Code of Student Conduct 132M-126; and WAC 132M-300 Discrimination & Harassment rules repeal and replace with College policy and procedures.

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
December 16, 2020	5:00 PM	Join Zoom Meeting <a href="https://lowercolumbia.zoom.us/j/88523391652">https://lowercolumbia.zoom.us/j/88523391652</a> Meeting ID: 885 2339 1652 One tap mobile +12532158782,,88523391652# US (Tacoma) +13462487799,,88523391652# US (Houston)  Dial by your location +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 646 876 9923 US (New York) +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) Meeting ID: 885 2339 1652 Find your local number: <a href="https://lowercolumbia.zoom.us/u/keyBj7hGYx">https://lowercolumbia.zoom.us/u/keyBj7hGYx</a> Join by SIP <a href="mailto:88523391652@zoomcrc.com">88523391652@zoomcrc.com</a>	

Date of intended adoption: December 16, 2020 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Bryanna Smith

Address: 1600 Maple Street, PO Box 3010, Longview, WA 98632

Email: rulemaking@lowercolumbia.edu

Fax: 360-442-2129

Other:

By (date) Dec. 11, 2020

**Assistance for persons with disabilities:**

Contact Bryanna Smith

Phone: 360-442-2100

Fax: 360-442-2129

TTY: 800-833-6388

Email: [rulemaking@lowercolumbia.edu](mailto:rulemaking@lowercolumbia.edu)

Other:

By (date) Dec. 11, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** WAC 132 M-125 Code of Student Conduct repeal and replace with new WAC 132 M – 126 Code of Student Conduct that complies with new federal regulations for Title IX of the Education Amendments of 1972 (Title IX) by adding new sections on Supplemental Title IX Student Conduct Procedures; reorganizes the Student Conduct Code; uses consistent terminology throughout the Code and revises some definitions; revises the jurisdiction section of the Code; removes the section of the Code applying to students studying abroad; adds a clause that academic consequences for academic dishonesty may be addressed outside of the Code through failing grades and other academic consequences; revises subsections on prohibited student conduct; removes a section addressing trespass; revises the section on sanctions, initiation of disciplinary action, brief adjudicative proceedings, appeals to the student conduct committee, conduct committee hearings, initial orders, appeals from initial orders, record keeping, and summary suspension; removes the section on supplemental sexual misconduct procedures and imbeds those procedures within the rest of the Code. WAC 132M-300 Discrimination & Harassment rules repeal and replace with College policy and procedures that are in compliance with new federal regulations for Title IX of the Education Amendments of 1972 (Title IX).

**Reasons supporting proposal:** Lower Columbia College must repeal and replace their chapter 132M-125 WAC to meet new federal regulations for Title IX of the Education Amendments of 1972 (Title IX) that specify how recipients of Federal financial assistance covered by Title IX, including post-secondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. In addition, other revision to the Code of Student Conduct are necessary to address changes in case law, and align with the new processes and changes in practice for Student Conduct. WAC 132M-300 Discrimination and harassment sections should be repealed as it is not necessary to address these matters through WAC and they should instead be replaced as college policies and procedures.

**Statutory authority for adoption:** Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.]

**Statute being implemented:** Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION: 34 C.F.R. 106; Nelson v. Spokane Community College, 14 Wn.App.2d 40, 469 P.3d 317 (2020).

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Lower Columbia College  Private  Public  Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Sue Orchard	1600 Maple Street PO BOX 3010 Longview, WA 98632	360-442-2301
Implementation:	Sue Orchard	1600 Maple Street PO BOX 3010	360-442-2301

Longview, WA 98632

Enforcement: Sue Orchard

1600 Maple Street  
PO Box 3010  
Longview, WA 98632

360-442-2301

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328(5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made that section applicable to the adoption of this rule.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3) and 34.05.310(4)(g)(i).  
Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. This change is not anticipated to impose any additional cost on business.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** 11/03/2020

**Name:** Kendra Sprague

**Title:** Vice President of Foundation, HR & Legal Affairs

**Signature:**

A handwritten signature in blue ink that reads "Kendra Sprague". The signature is written in a cursive style and is positioned to the right of the "Signature:" label.