



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: December 13, 2021

TIME: 10:16 AM

WSR 22-01-121

Agency: Lower Columbia College

Original Notice

Supplemental Notice to WSR

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-21-044 ; 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) Lower Columbia College's Code of Student Conduct rules that pertain to how LCC responds to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination amending portions of their Code of Student Conduct, specifically, WAC 132 M-126-115, 132M-126-145, & 132M-126-155.

Hearing location(s):

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

Date:	Time:	Location: (be specific)	Comment:
February 16, 2022	8:30 AM	Join Zoom Meeting https://lowercolumbia.zoom.us/j/85968228886 Meeting ID: 859 6822 8886 One tap mobile +12532158782,,85968228886 # US (Tacoma) +13462487799,,85968228886 # 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 (Washington DC) +1 312 626 6799 US (Chicago) Meeting ID: 859 6822 8886	

	<p>Find your local number: https://lowercolumbia.zoom.us/j/85968228886</p> <p>Join by SIP 85968228886@zoomcrc.com</p> <p>Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia Sydney) 103.122.167.55 (Australia Melbourne) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 149.137.68.253 (Mexico) 69.174.57.160 (Canada Toronto) 65.39.152.160 (Canada Vancouver) 207.226.132.110 (Japan Tokyo) 149.137.24.110 (Japan Osaka) Meeting ID: 859 6822 8886</p>	
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Date of intended adoption: February 16, 2022 (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) Feb. 11, 2022

Assistance for persons with disabilities:
Contact Bryanna Smith
Phone: 360-442-2100
Fax: 360-442-2129
TTY: 800-833-6388
Email: rulemaking@lowercolumbia.edu
Other:
By (date) Feb. 11, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Lower Columbia College must amend their chapter 132M-126-115, 132M-126-145, & 132M-126-155 WAC to meet new case law and guidance from the Department of Education regarding the 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 postsecondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. Specifically, the changes include modifications to the appeal process, evidentiary procedure, and appointment of a hearing officer.

Reasons supporting proposal: Lower Columbia College must amend their chapter 132M-126-115, 132M-126-145, & 132M-126-155 WAC to meet new case law and guidance from the Department of Education regarding the 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 postsecondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination.

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); *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021).

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:	Kendra Sprague	1600 Maple Street PO BOX 3010 Longview, WA 98632	360-442-2121
Implementation:	Sue Orchard	1600 Maple Street PO BOX 3010 Longview, WA 98632	360-442-2301
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 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: 12/10/2021
Name: Kendra Sprague
Title: Vice President of Foundation, HR & Legal Affairs

Signature: 
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