



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 21, 2024  
TIME: 1:47 PM

WSR 24-21-120

Agency: Lower Columbia College

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 24-18-047 ; 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) Code of Student Conduct and Student Disciplinary Procedure

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 11, 2024	5:00 PM	Lower Columbia College Administration Building – Room 100 1600 Maple Street Longview, WA  Join Zoom Meeting - <a href="https://lowercolumbia.zoom.us/j/83269599646">https://lowercolumbia.zoom.us/j/83269599646</a> , Meeting ID  832 6959 9646	

Date of intended adoption: December 11, 2024 (Note: This is **NOT** the effective date)

<b>Submit written comments to:</b> Name <u>Bryanna Doumit</u> Address <u>1600 Maple Street, PO Box 3010 Longview, WA 98632</u> Email <u>rulemaking@lowercolumbia.edu</u> Fax <u>360-442-2129</u> Other _____ Beginning (date and time) <u>November 6, 2024 8 AM</u> By (date and time) <u>December 5, 2024 8 AM</u>	<b>Assistance for persons with disabilities:</b> Contact <u>Bryanna Doumit</u> Phone <u>360-442-2100</u> Fax <u>360-442-2129</u> TTY <u>800-833-6388</u> Email <u>rulemaking@lowercolumbia.edu</u> Other _____ By (date) <u>December 5, 2024</u>
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**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To bring Lower Columbia College’s student conduct code ch. 132M-126 WAC into compliance with a new final rule governing sex discrimination grievance procedures (Title IX procedures) recently adopted by the United States Department of Education pursuant to its authority under Title IX of the Education Amendment of 1972 and to update other provisions of the student conduct code to reflect current issues and needs of the District and its students. These updates ensure that the code’s prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students. The college proposes to repeal now outdated Title IX procedures and to repeal the existing student code of conduct and replace it with an updated student code that includes required Title IX procedures..

**Reasons supporting proposal:** Lower Columbia College must revise their chapter 132M-126 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 discrimination

consistent with Title IX's prohibition against sex discrimination. In addition, other revisions 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. The changes ensure that the interests of the college community and procedural rights of students are adequately protected.

**Statutory authority for adoption:** Chapter 34.05 RCW and RCW 28B.50.140(13); 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: Title IX, 20 U.S.C. § 1681 et seq

**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

**Type of proponent:**  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 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 and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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: Title IX, 20 U.S.C. § 1681 et. seq.; failure to comply with Title IX regulations could result in corrective action by the United States Department of Education, including possible loss of federal funding.

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:

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule adopts revisions to the college's student code of conduct, which describes student rights and responsibilities. It does not impact rights or responsibilities of small businesses. Moreover, the proposed rule is necessary to comply to changes in federal Title IX regulations, state statutes, and to ensure the protection of individual students' constitutional and procedural rights.

**(2) Scope of exemptions: Check one.**

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. 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 the required small business economic impact 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:** 10/17/23/

**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 with a large initial 'K' and 'S'.