



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 08, 2020

TIME: 4:59 PM

WSR 20-19-031

Agency: Columbia Basin College

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

☒ Preproposal Statement of Inquiry was filed as WSR 20-12-016 ; 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)

Proposed rulemaking is needed for the following chapters:

Repeal Chapter 132S-09 WAC - The Non-Discrimination and Harassment Policy and Grievance Procedure

Amend Chapter 132S-100 WAC -Student Code of Conduct

New Chapter 132S-110 WAC – Title IX Student Conduct Procedures

Amend Chapter 132S-300 WAC - Campus Parking and Traffic Regulations

Amend Chapter 132S-05 WAC – Administration

Amend Chapter 132S-010 WAC – Public Records

Amend Chapter 132S-90 WAC – Student rights, responsibilities and student status and

Amend Chapter 132S-91 WAC - Loss of eligibility

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 28, 2020	5:00 p.m.	Via Zoom https://columbiabasin.zoom.us/j/96044631682?pwd=VUgrVGdDUm5COUpxZz09AyVVZQaWkyUm5COUpxZz09 Meeting ID: 960 4463 1682 Password: 887749	Please contact Lucas DeLuca, Director for Disability Services at (509) 542-4412 as soon as possible to request any accommodations related to a disability. We need advance time to make arrangements

Date of intended adoption: October 30, 2020 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Camilla Glatt

Address: 2600 N. 20th Avenue, MS-A2

Email: cglatt@columbiabasin.edu

Fax: 509-544-2029

Other: 509-542-5548

By (date) October 27, 2020

Assistance for persons with disabilities:

Contact Lucas DeLuca

Phone: 509-542-4412

Fax: 509-544-2032

TTY: Washington Relay Service 711 or 800-833-6384

Email: ldeluca@columbiabasin.edu

Other:

By (date) October 21, 2020

<p>Purpose of the proposal and its anticipated effects, including any changes in existing rules: Columbia Basin College is proposing repealing Chapter 132S-09 (Non-Discrimination and Harassment Policy and Grievance Procedure) and amending Chapters 132S-100 (Student Code of Conduct) and 132S-300 (Campus Parking and Traffic Regulations). Additionally, the College is proposing amending various sections of the College's rules to address</p> <p style="text-align: right;">On May 19, 2020, the Federal Register printed</p> <p>amendments to Title IX regulations [85 FR 30575]. The new regulations address the grievance process for formal complaints of sexual harassment and took effect on August 14, 2020. As an emergency filing of the new WAC Chapter 132S-110 (Title IX Student Conduct Procedures) requires permanent rulemaking within 120 days of the filing, this new WAC is included.</p>																			
<p>Reasons supporting proposal: Proposed rulemaking is needed to provide clarity to the processes for the Student Conduct Code. Other amendments are needed to established rules for parking and traffic regulations, along with minimal amendments to various sections to eliminate gender-specific references with gender-neutral alternatives. The Non-Discrimination and Harassment Policy and Grievance Procedure is proposed for repeal on the basis it is captured in a College Operations Policy and is subject to regular updates based on the Department of Education requirements with the College's Formulation of Policies process more suitable for those changes. Additionally, new federal regulations required amendments to the Title IX regulations.</p>																			
<p>Statutory authority for adoption: RCW 28B.50.140</p>																			
<p>Statute being implemented: RCW 28B.50.140</p>																			
<p>Is rule necessary because of a:</p> <table style="width: 100%;"> <tr> <td style="width: 80%;">Federal Law?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>Federal Court Decision?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>State Court Decision?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> <p>If yes, CITATION:</p>				Federal Law?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Federal Court Decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State Court Decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
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<p>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None</p>																			
<p>Name of proponent: (person or organization) Columbia Basin College</p>			<input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Governmental																
<p>Name of agency personnel responsible for:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 35%;">Name</th> <th style="width: 35%;">Office Location</th> <th style="width: 15%;">Phone</th> </tr> </thead> <tbody> <tr> <td>Drafting:</td> <td>Camilla Glatt</td> <td>2600 N. 20th Avenue, Pasco, WA 99301</td> <td>509-542-5548</td> </tr> <tr> <td>Implementation:</td> <td>Camilla Glatt</td> <td>2600 N. 20th Avenue, Pasco, WA 99301</td> <td>509-542-5548</td> </tr> <tr> <td>Enforcement:</td> <td>Camilla Glatt</td> <td>2600 N. 20th Avenue, Pasco, WA 99301</td> <td>509-542-5548</td> </tr> </tbody> </table>					Name	Office Location	Phone	Drafting:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA 99301	509-542-5548	Implementation:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA 99301	509-542-5548	Enforcement:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA 99301	509-542-5548
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<p>Is a school district fiscal impact statement required under RCW 28A.305.135?</p> <p>If yes, insert statement here:</p> <p style="margin-left: 40px;">The public may obtain a copy of the school district fiscal impact statement by contacting:</p> <p style="margin-left: 40px;">Name:</p> <p style="margin-left: 40px;">Address:</p> <p style="margin-left: 40px;">Phone:</p> <p style="margin-left: 40px;">Fax:</p> <p style="margin-left: 40px;">TTY:</p> <p style="margin-left: 40px;">Email:</p> <p style="margin-left: 40px;">Other:</p>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																
<p>Is a cost-benefit analysis required under RCW 34.05.328?</p> <p><input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting:</p> <p style="margin-left: 40px;">Name:</p> <p style="margin-left: 40px;">Address:</p>																			

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: A cost benefit analysis is not required under RCW 34.05.328 and does not apply to college rules.

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)(c)
(Incorporation by reference)

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

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

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

☐ 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: Revisions impact college-specific internal policies.

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. _____

☐ 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: September 8, 2020

Name: Camilla Glatt

Title: Vice President for Human Resources & Legal Affairs

Signature:

