



# 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: September 21, 2020

TIME: 1:44 PM

WSR 20-19-116

Agency: Bellevue College

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

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

Preproposal Statement of Inquiry was filed as WSR 20-16-123 ; 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) Revise 132H-126 Student Conduct Code.

Supplemental Title IX WAC 132H-126-400, -410, -420, -430, -440, -450, -460, -470, -480. Amend WAC 132H-126-040, -100, -120, -130, -140, -160, -170, -200, -210, -300, -310, -320, -330, -340.

### Hearing location(s):

| Date:                       | Time:          | Location: (be specific)  | Comment:  |
|-----------------------------|----------------|--|---|
| Wednesday, October 28, 2020 | 4:30 - 5:30 pm | Online at <a href="https://bellevuecollege.zoom.us/j/84539847411">https://bellevuecollege.zoom.us/j/84539847411</a><br>Call in to +12532158782, 84539847411# US (Tacoma) | Public hearing to be held remotely due to COVID-19. |

Date of intended adoption: December 2, 2020 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Megan Kaptik

Address: 3000 Landerholm Circle SE, Bellevue College, WA 98007

Email: [megan.kaptik@bellevuecollege.edu](mailto:megan.kaptik@bellevuecollege.edu)

Fax:

Other: Phone 425.564.2757

By (date) October 31, 2020

### Assistance for persons with disabilities:

Contact Katelynn Creeley

Phone: 425.564.4159

Fax:

TTY: 425.564.6189

Email: [Katelynn.creeley@bellevuecollege.edu](mailto:Katelynn.creeley@bellevuecollege.edu)

Other:

By (date) \_\_\_\_\_

Purpose of the proposal and its anticipated effects, including any changes in existing rules: On May 19, 2020, the Federal Register printed amendments to Title IX regulations [34 CFR §106.30, §106.44, §106.45]. The new regulations address the grievance process for formal complaints of sexual harassment. Bellevue College has added a supplementary Title IX complaint procedures to student conduct code to ensure that the code adequately addresses Title IX complaints. The revised code clarifies related misconduct definitions and language.

**Reasons supporting proposal:** The current student conduct code was revised in December 2019. In May 2020. In May 2020, the Department of Education released new Title IX regulations [34 CFR §106.30, §106.44, §106.45]. To be compliant with these new regulations, the student grievance process for formal complaints of sexual harassment must meet specific expectations. The College added a supplementary Title IX complaint procedures and updated terminology and definitions in the existing Student Conduct Code for consistency.

**Statutory authority for adoption:** RCW 28B.50.140(13); RCW 34.05

**Statute being implemented:** RCW 28B.50.140(13); 34 CFR §106.30, §106.44, §106.45

**Is rule necessary because of a:**

|                         |   |  |
|-------------------------|---|--|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input 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 |

If yes, CITATION: 34 CFR §106.30, §106.44, §106.45

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** NA

**Name of proponent:** (person or organization) Bellevue College

|  |
|--|
| <input type="checkbox"/> Private                 |
| <input type="checkbox"/> Public                  |
| <input checked="" type="checkbox"/> Governmental |

**Name of agency personnel responsible for:**

|                 | Name         | Office Location   | Phone        |
|-----------------|--------------|---|--------------|
| Drafting:       | Megan Kaptik | Bellevue College U307B,<br>3000 Landerholm Circle, SE<br>Bellevue, WA 98007 | 425.564.2757 |
| Implementation: | Megan Kaptik | Bellevue College U307B,<br>3000 Landerholm Circle, SE<br>Bellevue, WA 98007 | 425.564.2757 |
| Enforcement:    | Megan Kaptik | Bellevue College U307B,<br>3000 Landerholm Circle, SE<br>Bellevue, WA 98007 | 425.564.2757 |

**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: Bellevue College is not one of the enumerated agencies required to conduct cost benefit analyses under RCW 34.05.328(5)

**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 \_\_\_\_.

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. \_\_\_\_\_

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: 9/18/2020

Name: Tracy Biga MacLean

Title: Associate Director

Signature:

