



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: November 05, 2024

TIME: 11:04 AM

WSR 24-22-119

Agency: Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98382

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 24-17-012 ; 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 Rights and Responsibilities

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 10, 2024	2:00pm	Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98382, Cornaby Center, A-12	

Date of intended adoption: 12/17/2024 (Note: This is **NOT** the effective date)

<p>Submit written comments to:</p> <p>Name Trisha Haggerty</p> <p>Address 1502 East Lauridsen Blvd, Port Angeles WA 98362</p> <p>Email thaggerty@pencol.edu</p> <p>Fax _____</p> <p>Other _____</p> <p>Beginning (date and time) _____</p> <p>By (date and time) December 4, 2024 5:00pm PST _____</p>	<p>Assistance for persons with disabilities:</p> <p>Contact Garrett Thompson</p> <p>Phone 360-417-6373</p> <p>Fax _____</p> <p>TTY _____</p> <p>Email ssd@pencol.edu</p> <p>Other _____</p> <p>By (date) <u>December 4, 2024</u></p>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: On April 19, 2024, the U.S. Department of Education released its Final Rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. And emergency updated was filed to be compliant with federal regulations. WAC132A-126 was repealed in its entirety and new WAC 132A-127 was submitted.

These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students

Reasons supporting proposal: Required by federal law to update. Clarification of Title IX and conduct processes for students.

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

Statute being implemented: 34 CFR Part 106

Is rule necessary because of a:

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

If yes, CITATION: 34 CFR Part 106

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

Name of proponent: (person or organization) Peninsula College

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Krista Francis	1502 East Lauridsen Blvd, Port Angeles WA 98362	360-417-6225
Implementation	Krista Francis	1502 East Lauridsen Blvd, Port Angeles WA 98362	360-417-6225
Enforcement	Krista Francis	1502 East Lauridsen Blvd, Port Angeles WA 98362	360-417-6225

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: NA

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:

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"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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\(4\)](#). (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:

(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. _____
- 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: November 5, 2024

Name: Trisha Haggerty

Title: Rules Coordinator, Peninsula College

Signature:

