



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 22, 2023

TIME: 11:03 AM

WSR 23-07-140

Agency: South Puget Sound Community College

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

- Preproposal Statement of Inquiry was filed as WSR 23-03-116 ; 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) SPSCC's Code of Student Rights and Responsibilities have been updated to comply with new State law, and modifications based on federal interpretations of TIX regulations. Specifically, the following WACs have been revised: 132X-60-015 (Definitions); 132X-60-020 (Jurisdiction); 132X-60-090 (Prohibited Student Conduct); 132X-60-200 (Order of Precedence); 132X-60-260 (Evidence); and 132X-60-280 (Appeals). The following new WACs have been added: 132X-60-125 (Hazing prohibited – Sanctions).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 28, 2023	10:00 A.M.	SPSCC Olympia Campus, Building 27, room 119	Student Senate Meeting

Date of intended adoption: May 9, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: David Pelkey
 Address: 2011 Mottman Road SW, Olympia, WA 98512
 Email: dpelkey@spscc.edu
 Fax: 360-596-5709
 Other: 360-596-5231
 By (date) May 9, 2023

Assistance for persons with disabilities:

Contact Access Services
 Phone: 360-596-5306
 Fax: 360-596-5713
 TTY:
 Email: access.services@spscc.edu
 Other:
 By (date) May 9, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington State Legislature adopted Laws of 2022 Ch. 209. ("Sam's Law"). South Puget Sound Community College is updating Chapter 132X-60 WAC Code of Student Rights and Responsibilities (the Student Conduct Code) and other related rules to bring the College into compliance with Sam's Law, and may make other changes to the student conduct code. In addition, changes to the Supplemental Title IX Student Conduct Procedures in WAC 132X-60 are being made to reflect changes in the interpretation of the existing TIX regulations and to clarify some procedural issues.

Reasons supporting proposal: The College's Code of Student Rights and Responsibilities require updating to be compliant with federal regulations and Legislative mandates Included will be language to update and clarify guidelines and procedural changes regarding necessary Supplemental Title IX Procedures Additionally, the WSL has issued HB 1751 (Sam's Law) which updates the definition of hazing and requires institutions of higher education to implement anti-hazing programming for employees and students.

Statutory authority for adoption: RCW 28B.10.900 through RCW 28B.10.904 (as amended by 2SHB 1751, Sam's Law Act); 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: Sam's Law Act

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) South Puget Sound Community College

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	David Pelkey	Vice President for Student Services Office	360-596-5231
Implementation:	David Pelkey	Vice President for Student Services Office	360-596-5231
Enforcement:	David Pelkey	Vice President for Student Services Office	360-596-5231

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: SPSCC is not one of the enumerated agencies required to conduct cost benefit analysis under RCW 34.05.328(5).

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 checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" 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 checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" 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: 3/22/23

Name: Dr. Timothy Stokes t

Title: President

Signature:

