

WSR 22-13-119

EXPEDITED RULES

COLUMBIA BASIN COLLEGE

[Filed June 17, 2022, 8:32 a.m.]

Title of Rule and Other Identifying Information: Student code of conduct revision to clarify hazing for the purposes of complying with recently enacted Sam's Law under HB [2SHB] 1751 and chapter 28B.10 RCW.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The student code of conduct under WAC 132S-100-235 needs amending as a result of a recent change in Washington state law. Sam's Law expanded the legal definition of hazing under RCW 28B.10.900 and with the start of the 2022-23 academic year, colleges and universities must incorporate hazing education into new student orientation programs, have a hazing prevent [prevention] committee, and publicly report findings of hazing. The student code of conduct must prohibit hazing as defined by Sam's Law, and maintain and report violations of the code of conduct, antihazing policies or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

Reasons Supporting Proposal: Compliance with Sam's Law and chapter 28B.10 RCW.

Statutory Authority for Adoption: WAC 131-12-050 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 42.56 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Camilla Glatt, 2600 North 20th Avenue, Pasco, WA 99301, 509-542-5548.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule is being proposed under an expedited rule-making process that will eliminate the need for the college to hold public hearings, prepare a small business economic impact statement, or provide responses to the criteria for legislative rules. If you object to this use of the expedited rule-making process, you must express your objections in writing and they must be sent to Camilla Glatt, Vice President for Human Resources and Legal Affairs, Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301, by July 23, 2022.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Camilla Glatt, Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-542-5548, fax 509-544-2029, email cglatt@columbiabasin.edu, AND RECEIVED BY August 23, 2022.

June 6, 2022
Camilla Glatt
Vice President for Human
Resources and Legal Affairs

OTS-3894.1

AMENDATORY SECTION (Amending WSR 20-03-046, filed 1/9/20, effective 2/9/20)

WAC 132S-100-235 Hazing. (1) Any ((method of)) act, described in Washington statute, RCW 28B.10.900 committed as part of a person's recruitment, initiation ((inte)), pledging, admission into or affiliation with a student ((club or)) organization, athletic team, or living group, or any pastime or amusement engaged in with respect to ((a group or)) such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious ((mental)) psychological or emotional harm, to any student or other person attending the college ((as described in Washington statute, RCW 28B.10.900)), including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. Hazing does not include customary athletic events or other similar contests or competitions.

(2) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for violation of hazing unless the person is directly engaged in the planning, directing, or act of hazing reported.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-235, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-235, filed 5/25/16, effective 6/25/16.]