

WSR 21-01-212

PROPOSED RULES

BELLEVUE COLLEGE

[Filed December 23, 2020, 10:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-21-006.

Title of Rule and Other Identifying Information: Revise chapter 132H-121 WAC, General conduct, to include weapons and fireworks rules. Amending WAC 132H-121-010 and 132H-121-020. Adding new WAC 132H-121-030, 132H-121-040, and 132H-121-050.

Hearing Location(s): On Tuesday, February 9, 2021, at 3-4 p.m. Online at <https://bellevuecollege.zoom.us/j/88640505980>. Call-in to +12532158782, 88640505980# US (Tacoma). Public hearing to be held remotely due to COVID-19.

Date of Intended Adoption: March 24, 2021.

Submit Written Comments to: Nadescha Bunje, Bellevue College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, email nadescha.bunje@bellevuecollege.edu, phone 425-564-5669, by February 9, 2021.

Assistance for Persons with Disabilities: Contact Nadescha Bunje, phone 425-564-5669, TTY 425-564-6189, email nadescha.bunje@bellevuecollege.edu, by January 25, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Bellevue College plans to codify its weapons and fireworks policy in the Washington Administrative Code under chapter 132H-121 WAC, General conduct, in order to maintain the educational mission and safety of the campus community. Other changes include updating the name of the college and student conduct code WAC section numbers.

Reasons Supporting Proposal: To clarify the rules regarding the possession, holding, wearing, transportation, storing or exhibiting of weapons on college property. To restrict the possession, distribution, or discharge of fireworks on college property in accordance with City of Bellevue regulations.

Statutory Authority for Adoption: RCW 28B.50.140(13); chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140(13).

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

Name of Proponent: Bellevue College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nadescha Bunje, Bellevue College, K100F, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 425-564-5669.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

December 23, 2020

Tracy Biga MacLean
Associate Director

OTS-2762.1

AMENDATORY SECTION (Amending WSR 00-21-013, filed 10/6/00, effective 11/6/00)

WAC 132H-121-010 Smoking. It shall be the policy of Bellevue ((Community)) College, consistent with its efforts to promote wellness, fitness, and a campus environment conducive to work, study, and activities for staff, students, and the public, to maintain a smoke/tobacco free indoor campus environment. Smoking and tobacco use is permitted only in designated locations. Receptacles for smoking materials are provided and are required to be used to maintain litter free campus grounds.

Information regarding the Bellevue ((Community)) College smoking policy is available in Campus Operations, located in K100.

[Statutory Authority: RCW 28B.15.605. WSR 00-21-013, § 132H-121-010, filed 10/6/00, effective 11/6/00. Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140. WSR 92-19-051, § 132H-121-010, filed 9/10/92, effective 10/11/92.]

AMENDATORY SECTION (Amending WSR 95-19-050, filed 9/14/95, effective 10/15/95)

WAC 132H-121-020 Hazing rules. Community College District VIII board of trustees has authorized the college to adopt rules to regulate hazing activities within college sponsored organizations, associations, or living groups.

(1) Hazing is prohibited. Hazing means any method of initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

PENALTIES

(1) Any organization, association, or living group that knowingly permits hazing shall:

(a) Be liable for harm caused to persons or property resulting from hazing, and

(b) Be denied recognition by Bellevue ((Community)) College as an official organization, association or student living group on the Bellevue ((Community)) College campus. If the organization, association or student living group is a corporation, whether for profit or non-profit, the individual directors of the corporation may be held individually liable for damages.

(2) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s).

(3) The student code of Community College District VIII may be applicable to hazing violations, WAC (~~(132H-120-200 (1) (3), 132H-120-210 through 132H-120-475)~~) 132H-126-100(12), 132H-126-010 through 132H-126-340.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW (~~(9A.20.021)~~) 28B.10.901.

SANCTIONS FOR IMPERMISSIBLE CONDUCT NOT AMOUNTING TO HAZING

(1) Impermissible conduct associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated.

(2) Impermissible conduct which does not amount to hazing may include conduct, not otherwise protected by law, which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(3) Impermissible conduct not amounting to hazing (~~(is)~~) and not otherwise protected by law may be subject to sanctions available under WAC (~~(132H-120-200 (1) (3), 132H-120-210 through 132H-120-475)~~) 132H-126-100(12), 132H-126-010 through 132H-126-340, the student code of Community College District VIII, depending upon the seriousness of the violation.

[Statutory Authority: RCW 128B.50.140 [28B.50.140]. WSR 95-19-050, § 132H-121-020, filed 9/14/95, effective 10/15/95.]

NEW SECTION

WAC 132H-121-030 Definitions. For the purposes of this chapter, the following definition shall apply:

"College property" shall include, but not be limited to, all campuses of the college, wherever located, and all college-controlled land, buildings, facilities, vehicles, equipment, and any other property owned or used by the college, including study abroad program, retreat, and conference sites.

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NEW SECTION

WAC 132H-121-040 Weapons. Possessing, holding, wearing, transporting, storing, or exhibiting any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on college property, subject to the following exceptions:

(1) Commissioned law enforcement personnel or legally authorized military personnel are not subject to these restrictions while in performance of their duties;

(2) Bank-related security personnel required by their office to carry such weapons or devices are not subject to these restrictions;

(3) Licensed and bonded third-party security personnel hired for hosted events are not subject to these restrictions, subject to approval by the director of public safety;

(4) An individual with a valid concealed weapons permit may store a pistol in their vehicle parked on college property in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view;

(5) The president or their designee may grant permission to bring a weapon on campus upon a determination that the weapon is reasonable and related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission;

(6) Possession of a knife or ceremonial dagger for religious purposes is not prohibited. Maximum length of the knife or ceremonial dagger should not exceed seven inches in length;

(7) Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited;

(8) Possession of knives for cooking or cutting instruments used for the purposes of work on campus is not prohibited.

Violations of this section will be subject to appropriate disciplinary and/or legal action.

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NEW SECTION

WAC 132H-121-050 Fireworks. The possession, distribution, or discharge of fireworks is prohibited on college property. The city of Bellevue prohibits the discharge of fireworks by ordinance within city limits. Violations of this section will be subject to appropriate disciplinary and/or legal action.

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