

WSR 21-03-061

PREPROPOSAL STATEMENT OF INQUIRY

WHATCOM COMMUNITY COLLEGE

[Filed January 15, 2021, 4:26 p.m.]

Subject of Possible Rule Making: Chapter 132U-126 WAC, Student rights and responsibilities policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Whatcom Community College is required by the United States Department of Education (DOE) to comply with the recently adopted Title IX regulations, which took effect on August 14, 2020. The college filed emergency rule chapter 132U-305 WAC to meet these requirements. Adoption of this rule will make the emergency rule permanent, with some changes. The new Title IX regulations require substantial updates to investigative procedures, as well as changes to definitions of key terms. These changes required the creation of a new policy, along with removing Title IX from the student code of conduct (chapter 132U-126 WAC) and discrimination and harassment policy (chapter 132U-300 WAC) in order to meet the strict jurisdictional guidelines present in the new regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOE Office of Civil Rights; we are following guideline[s] published by their [the] Office of Civil Rights. Office of the attorney general of the state of Washington; regular meetings and communication with assigned assistant attorney general. Washington state human rights commission; following all published public accommodation guidelines.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Nolze, Whatcom Community College Rules Coordinator, 237 West Kellogg Road, Laidlaw 208, Bellingham, WA 98226, phone 360-383-3077, email bnolze@whatcom.edu; or Benjamin Reed, 237 West Kellogg Road, Laidlaw 208, Bellingham, WA 98226, phone 360-383-3074, email breed@whatcom.edu.

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