

WSR 24-15-105

EMERGENCY RULES

TACOMA COMMUNITY COLLEGE

[Filed July 22, 2024, 3:46 p.m., effective July 22, 2024, 3:46 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The Washington state legislature passed HB [2SHB] 1751 referred to as "Sam's Law," which took effect June 9, 2022. The law requires colleges to take several actions to prevent hazing, including modifying the code of student conduct.

Citation of Rules Affected by this Order: Repealing WAC 132V-130-020 and 132V-130-030; and amending WAC 132V-130-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: HB [2SHB] 1751.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: We are refileing this document to extend the emergency filing pending final rule making. Washington HB [2SHB] 1751 became effective June 9, 2022, and the law requires colleges to modify their student conduct code fall quarter 2022 to implement anti-hazing provisions. The Tacoma Community College board of trustees adopted these emergency rules in an open public meeting on [no date supplied by agency], and approved the emergency rules becoming effective upon filing. This is an extension of the emergency rule filed on April 3, 2024, pending permanent rule making. A CR-101 was filed on April 17, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 11, Repealed 21.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 13, 2024.

Natalie Boes
Rules Coordinator

OTS-5639.1

AMENDATORY SECTION (Amending WSR 96-16-036, filed 8/1/96, effective 9/1/96)

WAC 132V-130-010 Hazing prohibited—Sanctions. (1) Hazing is prohibited at Tacoma Community College.

~~((2) Hazing means any method of initiation into a student group or any pastime or amusement engaged in with respect to such a 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 postsecondary education. Excluded from this definition are "customary athletic events or other similar contests or competitions.") Hazing is any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a college sponsored student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student, 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. Consent is not a valid defense against hazing.~~

~~(2) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.~~

~~(3) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.~~

~~(4) Student groups that knowingly permit hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.~~

~~(5) Student groups found responsible for violating the code of student conduct, college anti-hazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132V-130-020	Penalties.
WAC 132V-130-030	Sanctions for impermissible conduct not amounting to hazing.