

WSR 24-24-068

EMERGENCY RULES

EVERETT COMMUNITY COLLEGE

[Filed November 27, 2024, 3:40 p.m., effective November 27, 2024, 3:40 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To bring Everett Community College's (college) code of student rights and responsibilities (code) into compliance with a new final rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students.

The college's board of trustees adopted an emergency rule on July 30, 2024, to amend WAC 132E-122-010 et seq. to comply with changes to federal regulations with respect to sex-based discrimination, commonly referred to as Title IX, that took effect on August 1, 2024. In anticipation of those changes, the college initiated a permanent rule making to amend the code language to align with the emergency provision and explore other changes. The CR-101 preproposal statement of inquiry for the permanent rule making was filed as WSR 24-13-072 on June 14, 2024. This second emergency rule continues the emergency rule originally filed on July 31, 2024, as WSR 24-16-081, without change.

Citation of Rules Affected by this Order: Repealing WAC 132E-122-170, 132E-122-180, 132E-122-190, 132E-122-250, 132E-122-260, 132E-122-370, 132E-122-380, 132E-122-410, 132E-122-420, 132E-122-430, 132E-122-440, 132E-122-450, 132E-122-460, 132E-122-470, 132E-122-480 and 132E-122-490; and amending WAC 132E-122-010, 132E-122-020, 132E-122-040, 132E-122-050, 132E-122-060, 132E-122-070, 132E-122-160, 132E-122-200, 132E-122-210, 132E-122-230, 132E-122-240, 132E-122-270, 132E-122-280, 132E-122-290, 132E-122-300, 132E-122-310, 132E-122-320, 132E-122-330, 132E-122-340, 132E-122-350, 132E-122-360, and 132E-122-400.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and 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: On April 19, 2024, the United States Department of Education released its final rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. The college has been engaging with the appropriate shared governance processes to adopt changes to its student code of conduct. The deadline for implementing this new rule was August 1, 2024. As such, changes are necessary for implementation before finalization of the code, as outlined in the preproposal statement of inquiry.

In addition to complying with the new final rule, the college is updating its code to address the use of gendered language as petitioned by a resident. Further changes were made to reflect title and position changes, as well as further clarify processes to promote accountability and efficiency. These new definitions of prohibited behavior and updated procedures are necessary to address conduct that

may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 18, Repealed 14; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 16, Repealed 2.

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: November 19, 2024.

Joshua R. Ernst
Vice President
Human Resources and Compliance

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [25-02](#) issue of the Register.