



Concise Explanatory Statement

Title 132S WAC

Summary of Rulemaking and Response to Comments

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Columbia Basin College publishes this document to meet the requirements of the Washington Administrative Procedure Act (RCW 34.05.325).

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325)
- Provide reasons for adopting the rules
- Provide Columbia Basin College’s response to public comments
- Describe any differences between the proposed rules and adopted rules

This Concise Explanatory Statement provides information on Columbia Basin College’s (“CBC” or the “College”) rule adoption for:

Title: 132S-WAC

WAC Chapter(s): 132S-05, 132S-20, 132S-100, 132S-200, 132S-300, 132S-400, 132S-500

Background

On April 10, 2019, the College filed a Preproposal Notice of Inquiry (CR-101) (WSR 19-09-027) proposing to update and revise the current Title 132S WAC. The College administration reviewed the proposed changes for comments.

On October 8, 2019, the College filed a Proposed Rulemaking (CR-102) (WSR 19-21-033). Based upon the input received, the College did not need to file a Supplemental CR-102. The College received written comments related to the rulemaking. A description of the comments, and inclusion or rejection of the comments is stated below in “Response to Comments.” The public hearing was held on December 16, 2019 to provide an opportunity for oral comment to be received in a public, recorded rule-making hearing. Camilla Glatt, Vice President for Human Resources & Legal Affairs, presided. The hearing began at 5:00 p.m. No testimony was offered.

Reasons for Adopting the Rules

Rule changes are needed to amend its WACs for the brief and full adjudicative procedures and updates to the administrative review processes. There are additional updates to our WACs for animal control on campus, trespass, pedestrian’s right of way, and facility use for expressive activities. There are also changes to the student conduct appeal processes, as well as substantive changes to the Student Conduct Code. All of the proposed amendments to the rules are part of a comprehensive effort to update CBC’s WACs.

CBC’s goals for this rule making process include:

- Updating the Student Code of Conduct to improve the College’s ability to respond to student conduct matters while safeguarding the due process rights of all students.
- Adopting more inclusive brief and full adjudicative procedures and updating administrative review processes, appeals and related adjudicative roles.
- Updating animal control on campus to align with state and local laws.
- Updating campus parking and traffic regulations by authorizing the use of traffic management methods to increase the safety of pedestrian and vehicle ingress to and egress from CBC campuses.

- Clarifying regulations related to the use of College facilities.
- Including Sunhawk Hall Residence as a College campus.

CBC’s considerations for the rule making process include:

- State and federal laws related to brief and adjudicative processes.
- More clearly defining regulations regarding animals on campus.
- Inclusion of College administration’s authority to ensure pedestrian vehicular traffic safety.
- Clarifying the use of the College’s facilities by campus and noncampus groups.
- Improving student disciplinary processes.

The proposed rule amendments include:

- Edits for accuracy, clarity and readability.
- Revision of rules regarding student conduct, brief and full adjudicative hearings, animals on campus, pedestrian safety and the use of College facilities for expressive activities.

Response to Written Comments

Receipt of comments:

CBC accepted comments (written, electronic, facsimile, and telephonic) during the formal comment period (November 26, 2019 – December 13, 2019). The College did not receive any oral comments during the review period. This section provides written comments (which have not been edited in any way) in the table below, along with the College’s responses. (RCW 34.05.325(6)(a)(iii)).

Differences between the Proposed Rules and Adopted Rules

RCW 34.05.325(6)(a)(ii) requires CBC to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

Columbia Basin College, after reviewing the comments made no changes to the proposed rules filed on November 6, 2019, except for a minor edit to correct a typographical error due to typing changes. The rules as proposed will be adopted.

Comments and responses by topic:

A. Title 132S-200-110

Proposed Rule	Comment	Response	Proposed Revision
132S-200-110	Best Friends Animal Society would like to comment on the proposed regulations. The proposed section of Animal Control on Campus (WAC 132S-200-110) is too restrictive. It fails	Title 132S-200-110 is intended to promote the health and safety of all persons on the College campus as well as the properties owned or controlled by the College. While	No action taken.

Proposed Rule	Comment	Response	Proposed Revision
	<p>to allow for a trap-neuter-vaccinate-return program. Best Friends suggested that the College amend the proposed section to include an exemption for community cats.</p>	<p>the proposed regulations do not carve out a program specific to any particular type of animal, they neither exclude natural wildlife, nor restrict the College's ability to humanely manage the presence of wild or feral animals on campus. The College will continue to comply with state and local laws related to animal control, and health and safety.</p>	