



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: September 24, 2021

TIME: 9:04 AM

WSR 21-20-025

Agency: Columbia Basin College

Title of rule and other identifying information: (describe subject) Amending Title IX Hearing Procedure for Students, WAC 132S-110-010 and 070.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Amending Chapter 132S-10 WAC, Columbia Basin College filed an emergency rule to update sections of Chapter 132S-110 WAC, Title IX Hearing Procedure for Students. Columbia Basin College is required by the United States Department of Education to comply with Title IX regulations.

Reasons supporting proposal: A recent court case holding (*Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021)) has affected the interpretation of how cross examination is used in the Title IX student process. Chapter 132S-110 establishes procedures for hearing procedures for students. The proposed amendment clarifies hearing procedures regarding cross examination on how that is used in hearing procedures.

Statutory authority for adoption: 34.05 RCW

Statute being implemented: 34 C.F.R. § 106.45(b)(6)(i) t

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021)

Name of proponent: (person or organization) Camilla Glatt, Vice President for Human Resources & Legal Affairs Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA	509-542-5548
Implementation:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA	509-542-5548
Enforcement:	Camilla Glatt	2600 N. 20 th Avenue, Pasco, WA	509-542-5548

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The changes are required by law.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): This rule is being proposed under an expedited rule-making process that will eliminate the need for the College to hold public hearings, prepare a small business economic impact statement, or provide responses to the criteria for legislative rules. If you object to this use of the expedited rule-making process, you must express your objections in writing and they must be sent to: Camilla Glatt, Vice President for Human Resources & Legal Affairs, Columbia Basin College, 2600 N. 20th Avenue, Pasco, WA 99301 by November 7, 2021

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Camilla Glatt
Agency: Columbia Basin College
Address: 2600 N. 20th Avenue
Phone: 509-542-5548
Fax: 509-544-2029
Email: cglatt@columbiabasin.edu
Other:

AND RECEIVED BY (date) December 6, 2021

Date: September 24, 2021

Name: Camilla Glatt

Title: Vice President for HR & Legal Affairs

Signature:

