

RENTON TECHNICAL COLLEGE RULEMAKING SUMMARY

Proposed Rules Under Consideration: Revision of Chapter 495E-110 WAC (Student Conduct Code and Hearing Procedures)

Authority: RCW 34.05.325 requires state agencies and institutions to provide for oral and written comments in response to proposed rules and to provide a summary of those comments to the Board of Trustees.

WAC 131-12-060 requires college districts to involve students in the promulgation, amendment and revocation of rules defining student rights and responsibilities. At a minimum, students should be afforded a reasonable opportunity to review and express opinions regarding a college's proposed exercise of rule-making authority.

The College held a rulemaking hearing on March 24^h, 2021, and received one oral comment and two written comments.

Summary: The purpose of this rulemaking hearing was to solicit comment on changes relating to the Student Conduct Code and Hearing Procedures. The proposed revisions would:

1. Make permanent the new Title IX Regulations adopted by the Department of Education, which took effect August 14, 2020. The US Department of Education uses narrowly defined and protracted definitions, jurisdiction, and practices in the new federal rules than in previous iterations. They are as follows:
 - i. **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and (changed from or) objectively offensive that it effectively denies a person equal access to the College's educational programs or activities, or employment.
 - ii. **Narrowed jurisdiction.** In order to consider a Title IX investigation incident, it must happen during an "educational program or activity" in the United States. Student off campus or studying abroad are no longer covered.
 - iii. **Formalized support for respondent.** Requires schools give equitable support for claimant and respondent. Previously, there were only standards for the claimant.
 - iv. **Live hearings.** A new requirement, in which all investigations that are within jurisdiction must conclude in a live hearing where claimants and respondents can be cross-examined by the others' advisors.
 - v. **The decision maker.** A new role (must not be Title IX coordinator) who determines responsibility, and sanctions at the end of an investigation. Can be a hearing board of people, or a single person.
 - vi. **Informal resolution.** Schools must allow for informal resolution to take place if all parties agree.
2. Update and provide clarification of academic consequences associated with academic dishonesty.
3. Update and clarify language throughout consistent with best practices.
4. Use they/their pronouns throughout.
5. Expedite turnaround time for appeals to align with notification of decisions.

Proposed Action	Comment	Response	Change
WAC 495E-110-225 Sexual misconduct proceedings	As professional mental health counselors it is concerning to expose the complainant to the respondent and ask them to come up with disciplinary actions together.	<p>The proposed rule incorporates the new Title IX regulations from the federal Department of Education that institutions receiving Title IV funds are required to adopt.</p> <p>The new federal administration is currently reviewing the most recent Title IX federal regulation changes and has indicated it will implement new rule changes in areas where the rules do not align with the current administration's policies.</p>	No change.
WAC 495E-110-250 Title IX Jurisdiction	<p>The parameters for how conduct is assessed is limiting protection for victims and survivors. More often sexual assault occurs during non-school sanctioned activities and can occur between college community members (staff, faculty, students). For example, if an assault happens off-campus in student / community housing would it not still be assault that would affect the student's ability to be successful in class?</p> <p>We are concerned that both of these situations fail to put the mental health of the complainant in the forefront and can lead to revictimization. We believe that staff and faculty should be mandated reporters and it should be clearly stated and understood</p>	<p>The proposed rule incorporates the new Title IX regulations from the federal Department of Education that institutions receiving Title IV funds are required to adopt.</p> <p>The new federal administration is currently reviewing the most recent Title IX federal regulation changes and has indicated it will implement new rule changes in areas where the rules do not align with the current administration's policies.</p>	No change.

	that the Behavioral Health Team is a safe place for students who want to explore options including maintaining confidentiality in regards to telling their story.		
WAC 495E-110-250 Title IX Jurisdiction	Want to say that it seems like this is making it harder for someone to get protection with making it more narrow for offered protections for victims. Basically want to say it is step in the wrong direction. It also sounds like something that we don't have an option and must change. Want to make clear that I disagree with changes. Specifically most things mentioned. Also being away from campus and not having protection. Not really clear on all changes. That is all I have to say.	<p>The proposed rule incorporates the new Title IX regulations from the federal Department of Education that institutions receiving Title IV funds are required to adopt.</p> <p>The new federal administration is currently reviewing the most recent Title IX federal regulation changes and has indicated it will implement new rule changes in areas where the rules do not align with the current administration's policies.</p>	No change.