

6-10-1994

## Board of Trustees Minutes, June 10, 1994

Eastern Washington University

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Eastern Washington University  
**BOARD OF TRUSTEES**

**TRANSCRIPT**

June 10, 1994, 9:00 a.m.  
 Louise Anderson Hall, First Floor Lounge

**Call to Order and Quorum, I. and II. - Dr. Torres**

Chair Torres called the meeting to order at 9:00 a.m.

**Reports, III.**

**Trustee Reports, III.A.**

Mr. Ormsby reported on behalf of the Joint Center for Higher Education Activities regarding the SIRT facilities. There will be a program to provide increased funding from the Federal Government for work done in conjunction with SIRT and the surrounding environmental area. Planning has been completed for the second building at Riverpoint and June 10 is the opening a construction contract for the construction of the second facility to begin this fall. When the SIRT facility is open some of Eastern's academic and research related programs moving in.

Mr. Brisbois attended a JCHE Study Committee. Discussion was held on flexibility in management of the institutions which translates into privatization models. There was also talk of tuition setting and responsibilities.

Mrs. Beschel reported that the Finance Committee met with the State Auditor and the University has received a good report. The Finance Committee also met on the Operating and Capital Budgets.

**President's Reports, III.B.**

**Faculty Organization Report III.B.1. - Dr. Hubbard**

Dr. Hubbard distributed and reported on the annual report based upon records from the Senate and various councils and Senate committees. Details of the actions of the councils and committees are included as appendices toward the end of the report with the exception of the report from the Academic Computing Council and from the Faculty Affairs Council. Dr. Hubbard included his perspective of the past year regarding the budget cuts and the resulting staff changes, the faculty leadership retreat, the SPQA column in the EWU Weekly, collective bargaining and a resolution that was passed by the Senate on June 6, 1994, Liberal Arts Reform, Salary Equity Plan and its distribution, faculty workload, the Faculty Grievance Committee being limited to tenured faculty. The Senate received a report from an ad hoc committee of four past presidents of the Faculty Organization, Barbara Miller, Perry Higman, George Durrie and Elroy McDermott. This committee formulated recommendations proposed reform of the work of the Faculty Organization's, Councils, and Committees. Dr. Hubbard presented a list of challenges for 1994-95 which the Faculty Organization will need to deal with.

**Associated Students III.B.2. - Ms. Bhasin**

Ms. Bhasin reported that there was an installation of new officers and in attendance was the 1971-72 ASEWU President. Training is complete for the new council members. The Assistant Director of Student Activities has been combined with the Director of Clubs and Organizations. A position has been created for a Gay/Lesbian/Bisexual Coordinator. The Finance Vice President was impeached and a new one appointed. Ms. Trinity Brown, Ms. Sharon Nelson and PUB Accountant, Cheryl Grimm have put together the fiscal year budgets. Numerous complaints have been made by clubs and organizations due to budgets being cut.

The PUB project is on its way and the ASEWU are pleased. A tree has been planted in honor of education for the graduating class.

University, III.B.3. - Dr. Drummond

Dr. Drummond thanked the students and faculty for the service and effort put forth the past year.

Eastern's Commencement exercise is next Friday, June 17. It will feature two guest speakers: Dr. Kathleen Ross, President of Heritage College in Toppenish and Dr. Will Keim, a nationally renowned inspirational speaker. Two board members will be receiving honorary Master's Degrees—Jack Geraghty will receive a Masters of Public Administration and Jim Kirschbaum will receive a Masters of Business Administration. Faculty Emeriti will be honored and the annual barbecue will follow in the mall. Each college will hold its own Convocation.

The College of Business Administration held its annual awards banquet on May 6. The featured speaker was John Colletti, Vice President of Ford Motor Company. Tim Welsh, President of Garco Construction in Spokane was awarded the C. Paul Sandifur Sr. Entrepreneur of the Year Award.

Campus Pride Day will be held on June 15. It include campus clean-up, barbecue, camaraderie and a hunt for golden eggs. This day will also honor the memory of employees no longer with us.

The fourth annual Dean's Scholars Reception for the College of Health, Social and Public Services was held on May 18. Recognition of the top 10% students in each discipline within the College was the focus.

Trustee Beschel and Dr. Drummond recently attended Mukogawa Gakuin's 55th anniversary celebration in Nishinomiya, Japan to celebrate Mukogawa's institutional accomplishments and development. Chancellor Kusaka and Dr. Drummond signed an agreement between the two universities pledging further academic and educational cooperation. Dr. Drummond also visited Bangkok, Thailand to meet with representatives from Mahidol University and Alumni. This trip was sponsored by the Japanese.

Dr. Drummond will be leaving shortly for Ghana where he will be lecturing at four universities. Dr. Hubbard and Professor Stradling will be teaching in Ghana and they will meet with Dr. Drummond in Cape Coast, Ghana to discuss their assistance to the universities. Eastern currently has seven Ghanaian faculty and administrators visiting and teaching this quarter. This is part of a large NAIA sponsored exchange by the state department. EWU has been selected to help Ghana build its system of secondary education.

Dr. ElRoy McDermott has been named Interim Dean of the College of Business Administration to replace Fred Evans, who has accepted a new position in California.

Dr. Ray Soltero has been named Dean of the College of Math, Science and Technology.

The University recently mourned the untimely death of long-term employee in the University Computing area — Dennis Helsing. A scholarship fund has been activated to make donations toward the provision of a college education for his two small daughters.

SIRTI was notified in April that it was to be the recipient of a \$15 million grant awarded by the Advanced Research Project Agency of the United States Department of Defense. This money will provide kickoff and operating dollars for manufacturing, health care/biomedical technology and environmental technologies.

Eastern has received a substantial grant from the DeWitt Wallace Reader's Digest Fund administered by Fordum University. It is a partnership grant with District 81 and is only one of ten in the nation. This grant is about blending social work and education in the public schools and coming out with some new models.

Eastern's runners took the Bloomsday Corporate Cup on May beating out WSU, who won over us last year.

Eastern's highly successful athletic fund-raiser, The Orland Killin Lobster Dinner-Dance, was a tremendous success on May 14.

Eastern is proud of its students athletes as approximately 25% of them have GPA's of 3.5 or better. This has earned them the distinction of being on the Dean's List.

Eastern welcomes Heidi VanDerveer, our new Women's Basketball Coach, who will be joining the university on July 1. Ms. VanDerveer brings excellent Division I coaching experience with her.

#### **Action Items, IV.**

##### **Minutes of the April 8, 1994 Board of Trustees' Meeting, IV. A. - Dr. Torres**

**Motion #6-01-94:** *"I move that the minutes of the April 8, 1994 Board of Trustees' meeting be approved as distributed."*

*Motion by Mrs. Beschel; second by Mr. Brisbois; approved unanimously.*

##### **Minutes of the May 4, 1994 Special Board of Trustees' Meeting, IV.B. - Dr. Torres**

**Motion #6-02-94:** *"I move that the minutes of the May 4, 1994 Special Board of Trustees' Meeting be approved."*

*Motion by Mr. Brisbois; second by Mrs. Beschel; approved unanimously.*

##### **Budget Issues, IV.C. - Dr. Hoffman**

Dr. Hoffman distributed the bound copies of the Operating and Capital Budgets for Fiscal Year 1995. The document was reviewed in draft form by the Finance Committee.

##### **Annual Operating/Capital Budget IV.C.1. - Mr. Stewart**

Mr. Stewart presented the annual operating budget overview with regards to the biennial operating budget overview, the biennial restrictions/provisos, and the biennial operating budget by fund source. Mr. Stewart also discussed the recommended fiscal year 1995 operating budget with regards to the educational and general operations, the auxiliary enterprises, the scholarships and fellowships, and the sponsored programs. Mr. Stewart recommended operating budget action to the Board.

Mr. Ormsby noted special recognition to Mr. Stewart and the budget office, as well as the academia and students, who worked very hard to complete the planning process which decides how the university's funds are spent.

**Motion #6-03-94:** *"I move that the Board of Trustees approve the operating budget of \$92,682,595 for fiscal year 1995, which begins July 1, 1994 and ends June 30, 1995."*

*Motion by Mrs. Beschel; second by Mr. Jackson; approved unanimously.*

Mr. Stewart presented the 1994-95 Capital Budget Planning Comprehensive Master Plan to the Board. The master plan shows a means of guiding the physical development of the campus in order to achieve the academic goals of the university. Capital budget requests are developed in accordance with the comprehensive master plan. Current and planned projects supporting the comprehensive master plan are family housing, the Pence Union Building, the JFK Library, classroom renewal, Sutton Hall, Senior Hall, and Monroe Hall. The Ten Year State Capital Plan provides direction for facility and financial planning, prioritizes critical areas of need, and tracks requested funds for planning, design and construction of major projects. Mr. Stewart recommended approval of the capital budget for fiscal year 1995.

Mrs. Beschel confirmed the amount for approval as \$28,022,056, not the \$28,023,056 shown in the bound budget book. Mr. Ormsby made note of the classroom renovation project, where funding of \$1 - \$2 million dollars will be used. Mrs. Beschel noted that many of Eastern's goals and initiatives have been addressed throughout the budget. The budget addressed major university priorities, the HECB priorities, health and safety issues, enrollment pressures and what can be done to increase enrollment in view of declining state revenues, etc.

**Motion #6-04-94:** *"I recommend that the Board of Trustees approve the capital budget of \$28,022,056 for fiscal year 1995, which begins July 1, 1994 and ends June 30, 1995."*

*Motion by Mrs. Beschel; second by Mr. Jackson; approved unanimously.*

1995 Biennial Operating/Capital Budget Request, IV.C.2. - Mr. Stewart

Mr. Stewart presented the 1995-97 Biennial Operating and Capital Budget Request to be submitted to the HECB and the Governor's Office early fall and also onto the legislature in the upcoming January session.

The Decision Package Summary deals with health services administration enrollment increase (HECB priority-I), lower division enrollment increase (HECB Priority-I), graduate student tuition flexibility (HECB Priority-II), College of Business curriculum reform (HECB Priority-III), Dental Hygiene curriculum reform, acquisition of library system and CD Rom network, minority recruitment and retention, and mandatory cost increases. Mr. Stewart recommended action on the decision package requests which will be proposed to take before the HECB, the Office of Financial Management, and the Legislature for the next session.

**Motion #6-05-94:** *"I move that the Board of Trustees approve the 1995-97 decision package requests for a biennial request total of \$4,566,351."*

*Motion by Mr. Ormsby; second by Mr. Brisbois; approved unanimously.*

Mr. Stewart presented the recommended 1995-97 major capital projects. The new appropriations are the JFK Library addition/remodel, the Chillers/HVAC/Boiler, classroom renewal, campus network, renovation and restoration of Monroe Hall and Senior Hall, and Showalter Hall preservation. Mr. Stewart recommended action to the Board.

**Motion #6-06-94:** *"I move that the Board of Trustees approve the capital budget of \$40,095,000 for the 95-97 biennium, which begins July 1, 1995 and ends June 30, 1997."*

*Motion by Mr. Ormsby; second by Mr. Brisbois; approved unanimously.*

Dr. Torres thanked Mr. Stewart for the quality of his presentation to the board.

Acceptance of Completion of Contracts Over \$150,000, IV.D.

#AE-90-04H, HPE Walkway Repairs, Phase II - Re-bid, IV.D.1. - Dr. Hoffman

This project called for replacing of the leaking brick pavers at the physical education complex and for other walkways adjacent to buildings in the HPEA complex. It also included cleanup and modifications of existing facilities to bring them into compliance with the current codes.

With the completion of this project, the leaks in the physical education complex hallway have been fixed. For years the leaks have created an unsightly and potentially dangerous situation which could not be resolved in any other way but in a complete replacement of the existing pavers and underlayment structure. The contract was awarded on June 11, 1992 to Krueger Sheet Metal Company of Spokane. The final contract amount was \$501,073.12. All work has been completed to satisfaction.

**Motion #6-07-94:** *"I move the Board of Trustees accept the contract and release final payment to the contractor as required."*

*Motion by Mr. Brisbois; second by Mrs. Beschel; approved unanimously.*

#AE-92-14G, Campus - Expansion Joints Replacement '92, IV.D.2. - Dr. Hoffman

This project consists of the ongoing replacement of steam and condensate piping expansion joints within the campus tunnel system. It also included systems upgrades to accommodate the future JFK library addition. It was awarded to McClintock & Turk, Inc., of Spokane on June 25, 1993. The final contract amount was \$258,502.79 and all the work has been completed to satisfaction.

**Motion #6-08-94:** *"I move the Board of Trustees accept the project and authorize final payment to the contractor."*

*Motion by Mrs. Beschel; second by Mr. Brisbois; approved unanimously.*

Approval of Public Works Contract Over \$150,000 - Science Greenhouse, IV.E. - Dr. Hoffman

The new science greenhouse is the replacement for the greenhouse which was converted into a maintenance and storage facility as part of the family housing project. The new greenhouse is being located closer to the science buildings, just east of the physical plant buildings on Washington and Oak streets.

Hamre Construction, Inc. is not the lowest bidder for the project, however, it is the lowest bidder that meets Eastern's requirements for MBE/WBE. Hamre also has an impressive record of employment of minority staff members.

**Motion #6-09-94:** *"I move the Board of Trustees approve Dr. Hoffman's recommendation to award the contract for the science greenhouse to Hamre Construction Inc. of Spokane in the total amount of \$254,000."*

*Motion by Mr. Ormsby; second by Mr. Brisbois; approved unanimously.*

Annual Evaluation of the University, IV.F., - Dr. Torres

During the past month a consultant, Dr. Paulson, has been doing a evaluation of the university as required by law. A university is a complex organization and serves many constituencies. Faculty and staff do an exemplary job with ever increasing students and diminishing resources.

Dr. Paulson interviewed over forty individuals, including students, faculty administration, members of the Board of Trustees, and community leaders from Spokane and Cheney. Dr. Paulson has established himself as a highly credible consultant and enjoys wide spread respect among the interviewees.

Copies of Dr. Paulson's evaluation report are available in the President's office for anyone wishing to review it. The Board has not had a chance to discuss the report. It will be placed on a fall agenda in order to discuss recommendations Dr. Paulson has made.

**Motion #6-10-94:** *"I move that the Board of Trustees receive Dr. Paulson's report on the evaluation of the university."*

*Motion by Mrs. Beschel; second by Mr. Brisbois; approved unanimously.*

Information Items, V.

Annual Report on Charges, Fees and Waiver Program, V.A. - Dr. Hoffman

The Board has granted the administration the authority to assess special charges, fees, and to administer the tuition and fee waiver program. Any charges and or fees are expected to meet the guidelines established by the Higher Education Coordinating Board and to comply with state statute. As a condition of granting the authority to set fees and charges, the Board requires an annual report listing all such charges.

Dr. Hoffman presented the annual report in three sections: general charges and fees, schedule of course fees, and tuition and fee waiver programs.

Mrs. Beschel questioned the computing fee charged to those that need to use computers. A few students are in majors not requiring constant use of computers and perhaps they need not pay an across the board fee, only a user fee. The university has run into previous problems with assigning fees without making them blanket across the board. Dr. Hoffman stated this issue has been readdressed and this will be brought before the Board at a later date as a separate item.

Old Business/New Business, VI.

Collective Bargaining

Board Resolution, VI.A.1. - Dr. Drummond

At the special board meeting on May 4, 1994, the Board directed the President to draft a resolution establishing the rules and procedures for collective bargaining. The proposed resolution has been reviewed by the Attorney General, the Provost, the Faculty Organization President and other faculty leadership. In addition, members of the Board were given early drafts and were asked to comment. The resolution has gone through approximately four revisions and incorporates most of the suggestions made by the various individual who reviewed the document.

Dr. Drummond recommended that the Board consider the adoption of this resolution.

Mr. Ormsby suggested to allow people to comment before a final vote of this motion is made in the event it may have an impact on the decision. The consensus of the Board approves to hold the vote.

AAUP Request to Address the Board, VI.A.2. - Dr. Steiner

The Eastern Washington University Chapter of the American Association of University Professors asked Dr. Steiner to present the following statement to the Board:

*In the event of collective bargaining, the Chapter intends to work actively in support of the following principles, as they are articulated in National AAUP Policy Statements and Reports.*

*We want and will urge the most equitable and competitive faculty salaries possible, but are not willing to trade away faculty travel, professional development, library or other funds which support instruction and scholarship, or other valuable (if sometimes intangible) elements of our professional lives, in exchange for taxable income.*

*We consider academic freedom and tenure are to be non-negotiable rights and that all decisions about faculty appointment, retention, promotion, financial exigency, and dismissal must involve both concerned faculty and administrators and must be covered by grievance procedures established under the processes of shared governance.*

*We will expect that our artistic expression will receive the same protection of academic freedom as other scholarly and classroom activities.*

*We will oppose tenure quotas or a return to promotion quotas.*

*We will oppose elimination or reduction of the six-year probationary period for tenure.*

*Full-time non-tenured appointments should be strictly limited and made only under conditions established by strong shared governance.*

*In the event of collective bargaining, the EWU Chapter of the AAUP is committed to the inclusion of protection of all these principles in any contract, and to the highest possible level of collegiality with other faculty, administrators, classified staff, trustees, and students.*

College of Business Administration Faculty Petition, VI.A.3. - Dr. Pooley

Dr. Pooley asked to talk to the idea of granting the faculty in the College of Business alternative representation. You recall when I came to the April 8 meeting I expressed my concern that the faculty in the College of Business Administration were opposed to the current form of union representation and we felt that it was not in our interest, the college's interest or the university's interest to proceed with that. That is still the strong feeling of the faculty members in our area. If we had our druthers, we would prefer to exist under the shared governance arrangement that we've managed to work under for several years. Given that the Board's position, to recognize UFE, we are trying to figure out what our options are. One of our options, in reading the Attorney General's legal opinion, was to pursue alternative representation. With that in mind, I circulated a petition to the faculty in the college. A number of faculty have been nice enough to come for support. The members of the Board has a copy of this petition but I will read it for the rest of the audience.



*We the undersigned faculty of the College of Business Administration at Eastern Washington University petition the Board of Trustees to grant the College of Business Administration faculty the right to negotiate a separate collective bargaining agreement with the Board of Trustees.*

*The agreement between the College of Business Administration faculty and the Board of Trustees should be considered independent of the agreement between the United Faculty of Eastern and the Board of Trustees. Faculty in the College of Business Administration do not want to be represented by the United Faculty of Eastern and believe that the University, College and faculty interests would be better served by independent representation.*

This petition was circulated to members of our college and only a few members were unavailable due to early retirement or out of the country. A few people are in administrative jobs and felt uncomfortable signing. A few people felt we were not going far enough, thus were unwilling to sign. About 80% of the people that this petition was circulated to signed. We felt that this was a pretty significant majority of the faculty. We felt this would be one way to address our earlier concerns about being represented by the United Faculty of Eastern. In going through this process, we have acquired a few other pieces of information. There are three departments in the College of Business Administration: a management department, an accounting department, and an MIS department. In each of those three departments the majority of faculty support this petition. We as a college, feel we are being swamped by the majority of faculty across campus and that is not the case in this particular case. To the best of our knowledge, no member of the College of Business Administration faculty is a dues paying member of the United Faculty of Eastern. In that context we felt that was an important point because it paints a picture of the faculty's commitment to the UFE. The final point is "why are we doing this and what would we envision if we ended up doing this?" We probably envision something very similar to shared governance as it has existed at the university previous to this arrangement. We would probably adopt most of the principles earlier stated by Dr. Steiner. We feel we need to do this to meet our organizational goals and to meet our accreditation requirements. I would ask you to grant us this petition and recognize our right for alternative representation.

Mr. Ormsby questioned if Dr. Pooley believed that the College of Business faculty would have the opportunity to present their point of view within the context of the resolution that deals with the whole issue of collective bargaining and how we move forward. Do you and your colleagues believe that you would not have the opportunity within the context of that resolution to meet those goals as it relates to your academic discipline within the context of the resolution?

Dr. Pooley responded that yes they feel strongly that this will not be the case. At this point that is conjecture as they are not sure what is going to happen. One of the things in the resolution that Dr. Drummond has presented is the fact that granting UFE exclusive representation, thus I was pleased that you did not act on this prior to me speaking. It might have been for no reason. We feel strongly as a faculty that we will not be able to achieve our goals under the UFE umbrella. We have some challenging issues and we have made considerable progress as a unit over the last five to ten years. There has been significant change in our unit and the feeling amongst the faculty is that this has been a positive change. We do not want to turn the tables in another direction as we are comfortable with the current environment and we are nervous about any potential change. It seems to give us more control over those potential changes.

Mr. Ormsby stated that change is different for everyone and often presents difficulties. Mr. Ormsby is not sure collective bargaining is necessarily jeopardize your views. I believe the difficulty the petition presents to the board is that the board does not want to interfere with faculty governance. That is a faculty issue and from my point of view the faculty had the opportunity to express their collective will in the election that conducted. I recognize their debates about who got to vote, did not get to vote, how it was conducted, etc. I feel this is a very difficult position for the board to be in. Perhaps it is a poor analogy, but I look at the state of Idaho where over 70% of the people in November 1992 did not vote for Bill Clinton for President. They voted for George Bush

or Ross Poirot and there is only one county in Idaho that voted for President Clinton. It happens to be one of the smallest counties in Idaho. This would be akin to the State of Idaho, upon that basis, wanting to succeed from the union because their point of view did not carry the day. That is not to say that the people who did not vote for President Clinton or that did not vote for collective bargaining do not have a point of view, but I presume that point of view was there, those people got to vote and I think the Board to now come in and say we are going to let different people approach this collective vote differently is very difficult for us to do.

Dr. Pooley asked to point out for clarification a couple of issues. As we read the Attorney General's opinion, the board has the right to recognize alternative representation. I am not sure if those counties in Idaho have the right to succeed. The other thing we are concerned about is that the faculty who wish to unionize are allowed to unionize, but the collective bargaining agreement is not generalized to back up outside the UFE. Personally, I would not have a problem with that, as I think that if some faculty members want to unionize that is fine. I am concerned about the terms of that collective bargaining arrangement being generalized to faculty who are not privy to it.

Dr. Morag Stewart noted one of the biggest concerns is on the exclusive right of the UFE to represent the faculty. Since we really feel that we have goals and objectives in keeping with the university, goals and objectives that may not be similar or necessarily represented by other units on this campus, we need some flexibility within our own unit to be able to have a negotiate conditions that will allow us to further the unique requirements that the College of Business faculty have. I think the exclusion of other units or other groups for representation is a real concern for us. Our position; looking at the Attorney General's opinion, is there was not a blanket mandate given for one unit to be the exclusive representation of all our faculty. We feel that we can best represent the College of Business' interest with a group of faculty from that college.

Mr. Ormsby stated the trick in the whole issue is to create an atmosphere through collective bargaining which deals with a set of issues and the issues that collective bargaining does not deal with that faculty, administration, and students have in common which creates flexibility for the various faculty members. Even within the college of business faculty members have different requirements and different needs. But also does not create a number of subsets of rules that we give to Dr. Drummond to administer the university. There needs to be a common set of rules and hopefully that common set of rules is developed in a fashion that can accommodate various points of view. I think it is very difficult to ask the board to recognize more than one group to design rules by which we ask Dr. Drummond, as the chief administrator officer of this university, to operate the university. I think that the concerns you raised can be dealt within the context of this resolution. I am convinced of that or I would not consider voting for it. That does not say that I am right, but I believe that I am and I think that it could work. I think to not attempt this approach, and I think the approach has within it the flexibility to accommodate the point of view you are expressing, could create a nightmare for the operation of the university with a multiple set of rules that govern people that are similarly situated. I think we would all concede that as not desirable.

Dr. Pooley responded that prior to working in academics he worked in industry as a manager for several years. It would be hard to manage in circumstances where different rules apply to different groups of employees. Currently we do have a common set of rules—the shared governance rules. Those rules seem to work effectively and I think that if we were to ask the College of Business faculty to stick with the shared governance procedures, I think we would have close to 100% inemity behind that. One way around the issues that you raise in terms of having different rules for different groups, and still recognizing the flexibility issue that you need at the unit level, is really the existing system. I would see that as being another option to maintain the existing system.

Mr. Brisbois asked for clarification. Is what you have on the overhead what you are asking for collective bargaining? Dr. Pooley recommended that the Board grant the College of Business the petition that is before them. Mr. Brisbois noted that Dr. Pooley seems to have changed his mind since he came before the Board previously when he was against collective bargaining. Now Dr. Pooley appears to be for collective bargaining, and to take it one step further, is asking for

exclusivity which cannot be given to any group on campus. Dr. Pooley asked to clarify his own personal stance as being personally opposed to collective bargaining. My understanding was that was the direction the board was going so I am trying to figure a way to work within the rules of the system that you are constructing. My preference is the shared governance system. In terms of exclusivity, this seems to be another issue that is in the resolution before you. It seems quite possible you could grant us this petition without giving us exclusivity over the faculty of the College of Business just as you could grant UFE rights without giving them exclusivity. In other words, if faculty from the College of Business chose to join then they would be represented by us and if they did not choose, then they would not be. Mr. Brisbois asked where this would stop. Maybe within the College of Business there would be another group like you come forward and want exclusivity? We keep breaking off here. I think colleague Trustee Ormsby is correct in the fact that we are trying to put in place a mechanism that would allow everyone to participate in this process. It is a democratic process. You do not have to participate if you do not want to, but in all likelihood, when it gets down to the nitty gritty of talking about salaries, etc., bread and butter issues, everyone is going to be involved in this one or another. You do not have to pay dues to vote. But when this is finished with, regardless of whether you are a member of UFE or not, you will be able to democratically vote. Dr. Pooley responded it is not unusual in business for organizations to operate with multiple unions. Boeing is an example: engineers are one represented by one unit, machinists are represented by another, etc. It is quite conceivable that the university could live with that model. In terms of where does it stop? That is a good question. It seems that if you do not extend the provisions that are negotiated with one group to people who are not party to that, then it would stop very quickly.

Dr. Hubbard responded in clarification of what Mr. Brisbois was raising, Mrs. Beschel pointed out that in the resolution that is currently before the Board, the language states, in paragraph eleven, "once the terms of any tentative agreement are reached, the board will utilize the following process. Tentative agreement will be ratified by the UFE utilizing whatever procedures it may determine. Provided, however, that the Board will not take action on any agreement unless all members of the faculty are provided the opportunity to participate in a non-binding advisory vote." Dr. Torres asked to distribute extra copies of the resolution to the audience. Dr. Hubbard asked about paragraph number seven, "In the event of *impasse*," does the word *impasse* refer to pre or post establishment of guidelines? Does it refer to an *impasse* in agreeing to the guidelines for collective bargaining, or does it refer to an *impasse* during the course of collective bargaining? Mr. Brisbois responded that it would be the collective bargaining process. If we come to an *impasse* with the UFE then we would go to the other mediation services. Dr. Drummond stated that both parties would have to agree to this. Dr. Hubbard noted that it does not agree to an *impasse* and even agreeing to the ground rules for collective bargaining. If this resolution passes, what the board will need to do is to establish the guidelines and rules of the game with the United Faculty of Eastern. In the event that *impasse* is reached at that point, is that what this refers to? Or does this refer to an *impasse* once the rules of the game have been established. Dr. Drummond responded with either/or. Any *impasse* is in the process. This is for resolving any mutually agreed upon *impasse* in the intention of writing this. They have been mutually agreed upon. One side can not say "this is an *impasse*." It has to be mutual or there is no *impasse*.

Dr. Hubbard continued on that interpretation with a concern in paragraph five. In doing so, I am speaking on behalf of the Senate. Distributed earlier was a resolution introduced at the Senate, and passed by the Senate, which I would like to draw your attention to. The resolution reads:

*(1) until such time as the guidelines and parameters for collective bargaining are determined by the Board of Trustees, the work of the Faculty Organization proceed as normal with committees and councils making reports, recommendations and motions in any and all areas to believe to be in the best interest of all faculty; and*

*(2) the presumption be that until determined otherwise by the Board of Trustees, shared governance, as detailed in the Policy and Procedures Manual, remain the basis for the work of the Faculty Organization.*

Dr. Hubbard noted that this resolution was introduced at the Senate to affirm the right and the obligation of the councils, committees and Senate to do their work, regardless of any freezes that the Board of Trustees may have imposed on changes to the Policies and Procedures Manual. The concern that I have is the interim between the passage of this resolution and the establishment of the guidelines as to what will be collectively bargained. I do not want to have the work of shared governance negated or the hands of the Faculty Senate tied during that time. If the guidelines for agreeing to collective bargaining can be effected swiftly between the board and the union then it is OK. But in the event there is contention there or the potential for impasse at that point, I have very real concern as to the Board's intention in paragraph five of the resolution, not to deal with any modifications in the Policies and Procedures Manual. In light of that concern I have a sentence that I would like to have inserted between the two sentences of paragraph number five. It would come immediately following the first sentence of paragraph five. The sentence would read:

*"The Board reaffirms its commitment to shared governance as given in the policies and procedures manual in all other areas."*

The next sentence would remain. Dr. Hubbard's opinion of the effect is probably more in terms of moral than in terms of legal issues. One of the things that has happened, that I have been privy to over the last few months are comments and conversations with faculty, both in favor of collective bargaining and opposed to it, saying that the Faculty Organization cannot deal with certain issues because the Board has restricted them. The Board has said we cannot deal with changes to the Policies and Procedures Manual. My position is no. My interpretation of the Boards' previous resolution was that you restricted us dealing with conditions of employment. The difficulty we have at that point is how broadly that net of conditions and employment is to be cast. For instance, at the Rules Committee we agreed that a change in the grievance procedure would not be brought forward to the Senate in accordance with the Board resolution. However, a change in the grievance committee make-up could be handled by the Senate and the Senate did vote to pass those changes. There is a good deal of dissension in faculty and confusion among faculty as to what is within the parameters of collective bargaining and what is not. I have even heard the comment made in effect that shared governance is dead. I do not believe that to be the case and I certainly do not believe that to be the case of the intention of the Board. Part of my recommendation for including this sentence is to have the Board go on record as alleviating those concerns.

Mr. Geraghty asked for clarification of the status of those issues that are eventually determined to be subject to collective bargaining are in effect removed from the shared governance process. But everything else, I would assume, stays within the framework of the shared governance process. Is that correct? Dr. Hubbard responded that this is what it says in the Policies and Procedures Manual. Mr. Geraghty agrees with the Faculty Senate in the sense that we do not want the whole workings of the university to come to a halt while we are messing around with what is and is not going to be subject to collective bargaining. On the other hand, I think that we have to have some assurances that there is not an effort made to, in effect, usurp the collective bargaining process by bringing a number of things up through shared governance that might normally be part of the collective bargaining process. I do not know whether that is a perception or something that is not there, but you might want to address that. I think that there is some concerns that in the interim period between now and when we actually enter into collective bargaining, that there could be some jockeying around, so to speak, with the shared governance process to, in effect, have an impact on the ultimate collective bargaining process. That was probably the reason for the "freeze" or whatever it was that we passed at the last meeting. Dr. Hubbard responded that he doubted very much that the fear mentioned in that statement would come to pass for a number of reasons, the main one being that within a few days faculty are going four ways to the winds. There will not be a Senate meeting now until fall quarter. The second answer to that is that the rising President of the Faculty Organization is a member of the UFE steering committee, as is the rising Vice President of the Faculty Organization. I am pretty sure that those two people would make sure that the Faculty Organization or the Senate did not take actions which would subvert the will of the faculty as expressed and the collective bargaining vote. I am concerned that the faculty's hands not be tied

if there are items and issues that need to be dealt with. Mr. Geraghty responded that he would have no problem with the inclusion of the suggested sentence in the resolution. Mr. Brisbois and Mr. Ormsby agreed. Mr. Ormsby noted that the Board wants both processes to have integrity. That is important and if the majority of the faculty have voted to enter into a collective bargaining arrangement with the university, we want that process to have integrity and I think you want to say that we do not want to do anything if that is what a majority of the faculty voted in the election want to do. We want to make sure that until that gets set up, we do not want the faculty to believe we, as a board, are trying to usurp their majority decision. I think as long as we understand that this is what needs to be accomplished, and I think what you are stating that the Faculty Organization wants to do in terms of shared governance and operating the university, I think I would agree with what you have said. As long as we understand what we are trying to accomplish here, I would not have any problem with inclusion of that sentence.

Mrs. Beschel remarked that the Board has a tendency to think in generalized areas rather than in specific sentences. Does this mean that we can forward membership on a committee. We have a tendency rather to say, we hope very much that the Faculty Senate will continue with the work of the Faculty Senate in areas such as curriculum reformation. We have a tendency to think in broader terms and I believe we have the intent for the Senate to continue in those broad areas that traditionally have been the prerogative of the Senate.

**Motion #6-12-94:** *"I move that the proposed resolution before the Board be amended in section five to include an additional sentence following the first sentence to read: "The Board reaffirms its commitment to shared governance as given in the Policies and Procedures Manual in all other areas."*

*Motion by Mr. Geraghty; second by Brisbois; approved unanimously.*

Dr. Hubbard responded with one more request on the same paragraph. This pertains to the earlier question about the meaning of the word impasse in item seven. My concern is in the event that no agreement has been reached between the United Faculty of Eastern and the Board of Trustees by the start of fall quarter or by the Board's first meeting in the fall, in that event my recommendation would be that the final sentence in paragraph five be reviewed at that time. I can offer language for an amendment a parenthetical phrase following the third and final sentence if you would like. This sentence states that working conditions, which constitute mandatory subjects of bargaining will not be modified until appropriate negotiations have occurred. I understand that is the normal ground rules where enabling legislation exists for the conduct of collective bargaining. That is the ground rule that pertains. My concern is that in the event we have an impasse, as stated in number seven in agreeing to the conduct of collective bargaining, I am assuming that by fall quarter there will have been issues relating to working conditions of new or existing faculty which will need to be discussed and dealt with. It is possible that some of those working conditions would be modifications from the status quo. I would, in the event that the impasse on the conduct of collective bargaining exists, that knowers of the ground rules for collective bargaining have not been reached by the beginning of fall quarter, that this sentence be reviewed and possibly revised by the Board at that time.

Dr. Drummond noted that the Board has the right to review anything at any meeting and revise it, amend it or abolish it. If they care to a good faith agreement can be done to take stock in the September meeting and see if, in fact, there has been progress to the point of having ground rules, and if not, in a good will sense, review that number five parameter. If we start to weasel this thing, there will be so many ifs, maybes or buts in this that it will be a very confusing and compound issue. I have tried to keep this thing as simple as possible but there is nothing to prevent the Board, at any time or at any meeting, from coming back and changing, abolishing, adding to, or creating a new resolution.

Mrs. Beschel remarked that Dr. Hubbard has a good point. If the Board and the union proceed to enter into collective bargaining and if we do not have some legalistic document at the end of that time, there will be new faculty coming on board and what do we do with them? They will be in limbo until some sort of situation is settled unless the Faculty Senate came back on.

Dr. Drummond stated the existing policies and procedures rules and regulations will be used until those are superseded by some type of contract. We have a full compliment of operating rules and regulations about promotion, tenure appointment, faculty definition and everything else that stays in place until it is replaced by something else. There will not be people in limbo, so to speak. The faculty may want to change, it may work with the administration to change some of those ground rules and we will continue to work with the faculty in that way. Many of these things are process issues that do not require Board approval. Those will remain open to our working together. The Board is not limited in any way until the next time it convenes on what it will consider.

Mr. Ormsby noted that this is new and has not been done before. He is presuming good faith on the part of everyone involved in this process, and there has been nothing to this point that would lead to believe that all the people with varying points of view on this, given the depth of those points of view, are operating on anything other than good faith. There are going to be issues that will arise that are probably not even contemplated today. Mr. Ormsby presumes that continued good faith of all people involved in this will try to resolve those issues if and when they arrive. It has to be presumed that this will happen. Dr. Hubbard identifies a number of practical applications that could become issues and will have to be dealt with if and when they arise.

Dr. Hubbard responded that his recommendation to his successor in the position of Faculty Organization President in the fall would be: If in the event that this impasse exists, he come back to the Board of Trustees at its meeting looking for clarification as to how broadly the term "working conditions" is to be construed. For instance, would that prevent us from making recommendations to the Board for changes in the grievance procedure. This is the sort of issue imagined to come forward in the event that kind of an impasse were to exist.

Mr. Geraghty responded he thought this fair and noted this would be the appropriate time to follow up on this.

Dr. Hubbard, on behalf of the faculty and assuming that the resolution passes, wishes everyone well.

Mr. Geraghty questioned item eleven in terms of the non-binding advisory vote. What would happen, for example, if we have the non-binding advisory vote but it is totally against the tentative agreement that has been reached? Would mediation kick in after that and how would this process work?

Dr. Drummond responded the intent to include an advisory vote and then it is basically a political process in the hands of the Board of Trustees and what they choose to do. They will understand the will of those effected by the proposed contract and if the expression is against the proposed contract, the Board always has the authority to unilaterally do whatever they wish to do. Anything brought to the Board by the President is a recommendation on behalf of the administration. Anything that comes to the Board through unions is a proposal. The Board of Trustees, in law, has absolute authority over the operation of the institution. Therefore, such a vote would simply say "we have a contract that has been negotiated; we have a body of people who disagree with the results of that negotiation; Board, what do you want to do?"

Dr. Pooley asked to have action taken on the School of Business petition.

Mr. Brisbois noted he had a question on the non-binding advisory board. Does this mean that whenever the union and its affiliate members vote, the vote is the ratification vote, and then whoever else votes in another meeting, or however it is set up, that is a non-binding advisory vote or is the entire vote a non-binding advisory vote to the Board?

Dr. Drummond remarked it is set up currently with an item to deliberate or people won't know what they are voting on. The people being negotiated with ratify what you have been negotiating so you have something to present. This is then presented to the community at large, two weeks are given to digest and comment on the information, and then there is an advisory vote taken of that larger body which is basically an opinion of what has been done through the bargaining process.

Dr. Barbara Miller asked to be recognized by the Board for comment. She is currently serving as Interim Dean of the College of Fine Arts, served last year as President of the Faculty Organization. She raised, for consideration, the ambiguity in the word "faculty" as listed in item eleven, subset a, where it says the Board will not take action on any agreement unless all members of the faculty are provided the opportunity to participate in a non-binding advisory vote. There has been considerable discussion on campus as to which faculty members were empowered to vote in the critical election. The vote was given to faculty who were not full time tenured faculty. The vote was excluded and denied to members of the faculty who do have tenured status and full time faculty status, but who were serving in an administrative capacity. There is a great deal of disagreement on campus as to whether in fact the results of that election do represent the majority opinion of the faculty. In light of that discussion, the Board would be wise to, at this stage, to clarify who the Board intends to give the power to vote in this election and she recommended to the Board that the definition of faculty as incorporated in the Senate by-laws that its policies and procedures would be a wise definition. However, you must be alert to the fact that there has been discussion within the Senate as to that definition of faculty. She believes the issues are before the Senate at this time. This is being brought up in the interest of avoiding future controversy. Otherwise this will not be a peaceful process.

Mr. Geraghty noted this to be a legitimate point. How the Board defines faculty certainly should be clear and there needs to be a note appended to this that it is the current definition that Dr. Miller refers to.

Mr. Ormsby noted that if it changes, it changes. He anticipates that the definition of faculty contemplated in this resolution, as Dr. Miller points out, is the current definition in the by-laws.

Dr. Miller commented that in the vote that was conducted, the regulations of PERC were used to define faculty. Her personal opinion is that this was not appropriate in the academic climate where faculty have been defined differently. You anticipated formation of a union and collective bargaining rules before that had actually happened.

Mr. Ormsby noted the Board does not have control over PERC rules say or do not say. It is understood why those rules are as they are and when conducting the election that is contemplated under this agreement, the Board does not need to follow the PERC rules.

Mr. Geraghty asked to go on record in the minutes that the Board's definition of faculty, in terms of section eleven, is the definition of faculty as pertained in the current by-laws.

Mr. Brisbois responded that this raises a question. Are the same people going to be voting on the contract both non-binding and binding advisory votes and ratifying votes? Are these going to be the same people allowed to vote in the election.

Mr. Ormsby remarked the list would be broader for the non-binding vote that is being discussed, then it was for people who voted in the election. The university by-laws, if they were used in the election, would have allowed a larger group of people to vote. The people that voted the binding part of this are the union members.

Dr. Pooley: One provision of the Board resolution states alternative representation status, and we would be concerned if you were to vote on this either without making changes to that section of 2.a. or vote on this prior to considering our petition that you are opposed to without it being approved. I would appreciate you take this into consideration. (Note: Dr. Pooley was not speaking into a microphone and discussion for transcription was garbled on tape.)

Mr. Ormsby responded in his opinion, that regardless of which way the Board votes, he does not see how the Board can accept and honor the School of Business petition in light of the resolution. Whether the Board votes before the vote on the resolution or after, it is felt the Board cannot adopt or recognize the petition and honor it. The Board can recognize receiving the petition, but not honor it in light of the resolution. Mr. Pooley is right, they are inconsistent, and whether the vote is before or after the resolution, it would be noted that the petition and points of view made in that petition were received and considered. Taking the road the Board has followed to this point, the petition cannot be recognized or honored.

Dr. Torres took a Board prerogative at this time and asked for any motions relative to the recommendation made by the College of Business.

Mr. Geraghty noted the petition as being premature in the sense that the Board must work through the initial process first. It is unfortunate, conceivably later on the Board may be faced with other departments that would want the same thing as the Department of Business. It is not unusual in an organization that is involved in collective bargaining to have several different unions. Eastern has its classified staff in a separate union from the faculty and it is conceivable that there could be other unions. The difficulty in dealing with that kind of situation and the difficulty it places on management and administration can be extreme. If you don't think so, look at some of the municipal organizations in the City of Spokane. It has nine different unions to deal with. Mr. Geraghty will vote in favor of this motion because in his opinion the Board has to deal with the initial process first, but this certainly could come back, given the fact there are not state guidelines to deal with.

**Motion #6-13-94:** *"I move the Board note receipt of the petition received from the College of Business, but not accept its recommendation."*

*Motion by Mr. Ormsby; second by Mr. Brisbois; approved unanimously.*

Dr. Hubbard brought attention to paragraph ten. "The Board acknowledges that because the United Faculty of Eastern cannot be an exclusive agent, all members of the faculty will have an opportunity for input in the initial formative stage concerning terms and conditions of any proposed collective bargaining agreement." How is it envisaged that this would happen?

Dr. Drummond explained that this is yet to be determined. The process for disseminating information and collecting opinion has yet to be determined by the Board. He feels that the Board agreed, when the document was being formulated, that they would like a process which would take care of that issue. Meaning some type of ongoing workshop series. At this time, before the rules of how the bargaining will work together are decided, it is very premature to try to second guess exactly how that would work. The Board is simply stating at this time, in this resolution, that they will do that in one way, shape or form. It is assumed that discussion will be held between the Board, faculty and others as they formulate those plans. This would be an opportunity for input to the Board and/or to the union.

**Motion #6-14-94:** *"I move the Board of Trustees approve the proposed resolution on collective bargaining with the amendment."*

*Motion by Mr. Ormsby; second by Mr. Brisbois; opposed by Mrs. Beschel. Motion carried.*



Mrs. Beschel stated her negative vote is not necessarily on any of the details of the Board resolution because it is as good as it can be. It is on the fact that shared governance has helped bring giant strides in implementing Eastern's goals of offering an excellent education to its students. But, she personally believes that the collegial method of governance is a preferable way to achieve this ongoing goal, rather than the more legalistic collective bargaining process. As a trustee trying to guide the university, she cannot in good conscience, vote for a system that she does not think is superior to the shared governance currently in place.

Dr. Drummond presented an autographed book titled, *Stones from the River*, written by an Eastern colleague, Ursula Hegi, to each Board member. This book has received national and international acclaim.

### Executive Session, VII.

Chair Torres called an executive session from 11:45 a.m. to 12:15 a.m. for the purpose of discussing legal and personnel matters.

### Personnel Actions, VIII.\*

**Motion #6-15-94:** *"I move that the personnel actions, including the addendum distributed, be approved by the Board of Trustees and also that Dr. Drummond be given temporary appointing authority between June 10, 1994 and July 24, to report back to the Board with any use of that authority for ratification by the Board at that time."*

*Motion made by Mr. Ormsby; second by Mr. Geraghty; approved unanimously.*

**Motion #6-16-94:** *"The University has had litigation filed against it and three of its employees. I move that the Board of Trustees, in line with the resolution presented in the Board packet, agree to indemnify and hold the individual employees sued harmless for acts they performed in their function as officers and employees of the university."*

*Motion made by Mr. Ormsby; second by Mr. Jackson; approved unanimously.*

**Motion #6-17-94:** *"To the extent the Board needs to request individual defense beyond the indemnification resolution, I move approval of Ms. McGuire's recommendation that the Board provide individual defense to the three individuals who are being sued."*

*Motion made by Mr. Ormsby; second by Mr. Jackson; approved unanimously.*

### Adjournment, IX.

Chair Torres adjourned the meeting at 12:25 p.m.