

12-13-1973

Board of Trustees Minutes, December 13-14, 1973

Eastern Washington State College

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BOARD OF TRUSTEES
Eastern Washington State College
December 13-14, 1973

The Board of Trustees of Eastern Washington State College held a two-day meeting on Thursday, December 13 and Friday, December 14 in the Pence Union Building Council Chambers.

BOARD OF TRUSTEE MEMBERS PRESENT

Mr. Ronald E. Robinson, Chairperson
Mr. Jerome W. Page, Vice Chairperson (Present 12/14/73 only)
Mr. Morris G. Shore
Mr. Merle W. Haffner (Present 12/13/73 only)
Mrs. Frederick Wilson, Jr.

STAFF PRESENT

Dr. Emerson Shuck, President
Mr. Fred S. Johns, Vice President for Business and Management
Dr. Daryl Hagie, Vice President for Student Services
Mr. John H. Lothspeich, Director, College Relations
Mr. Kenneth K. Kennedy, Executive Secretary, Task Force on Institutional Goals
Dr. Robert Atwood, Chairperson, Faculty Senate
Mr. Kenneth R. Dolan, Secretary, Board of Trustees
Dr. Wayne W. Loomis, Director, Facilities Planning
Mr. Henry Koslowsky, Director, Public Information
Mr. D. Roger Reed, Assistant Attorney General
Ms. Carol Worthington, President, Associated Student Body

PRESS PRESENT

Ms. Jan Burmingham, Cheney Free Press
Mr. Jim Dullenty, Spokane Chronicle

REPORT and STUDY MEETING

Chairperson Robinson called the report and study meeting to order at 7:56 p.m., Thursday, December 13.

Special Reports

Ms. Carol Worthington, Associated Students President, and Mr. John Workland, license applicant, reported on the Washington State Liquor Control Board's denial of the application for a license to sell beer and wine in the Pence Union Building. Ms. Worthington and Mr. Workland expressed disappointment and disagreement with the Liquor Board's action and the stated reasons for the denial. No final decision has been made by Mr. Workland as to whether or not to appeal the decision of the Liquor Board. However, his attorney has advised him that it would be expensive and time consuming and has, therefore, recommended against appeal.

Mr. Kenneth K. Kennedy, Executive Secretary, Task Force on Institutional Goals, continued his report from the November Board meeting. Mr. Kennedy discussed several areas of critical importance to the College and its future. His recommendations for action by the College, although preliminary in nature, were offered "for purposes of dialogue." The goals and objectives discussed and recommendations made were as follows:

- A. Innovation. By July 1, 1974, EWSC will have decided upon its definition of innovative programs and will have given a priority rating to such programs as it will support.
- B. Guidance-Counseling. By July 1, 1974, the College will have evaluated its present delivery system of giving and receiving of guidance and counseling. By January 1, 1975, the College will have a revised plan ready for implementation.
- C. Governance-Management. By June 15, 1975, the proposal will have been fully implemented.
- D. Students-Grading. By September 1, 1974, it will have clearly stated policies relating to the way students are to be judged.
- E. Teaching-Learning. By July 1, 1974, EWSC will have decided how it wants to make its mark upon students, the type of learning environment it provides and the processes it puts them through.
- F. Liberal Arts. By July 1, 1974, the College will have addressed itself to the full implication of requiring some one-third of student

coursework to be in the area of Liberal Arts. Among the implications to be considered will be admission criteria, grading practices, the rationale used to determine why a given course meets or does not meet the established standards for qualifying as a liberal arts (general education) course.

- G. Planning and Evaluation. By July 1, 1974, the College will have examined the need for and the implications of an evaluation of its educational output. By January 1, 1975, the College will have a meaningful evaluation process in its early stage of implementation. By June 30, 1975, the College will be in a position to open meaningful discussions concerning accountability.
- H. Name of the College. Eastern Washington State College is a multi-purpose college offering a broad range of undergraduate programs and graduate programs in selected subjects. In addition to a College of Letters and Sciences, it has three schools and two divisions. There is an Office of Graduate Studies and an Office of Continuing Education. EWSC believes it can best serve society by emphasizing regional concerns and the teaching-learning process rather than national concerns and research. The EWSC Library development will continue to receive priority treatment and will be related to program growth. EWSC should take immediate steps to organize a campaign which will make the authorities aware of the existing situation, that EWSC already is serving as a regional state university. Because of certain imponderables which are involved, no date is fixed for the accomplishment of this goal.

Presidents' Reports

Dr. Emerson Shuck reported on a number of college-related subjects.

Ms. Carol Worthington, President of the Associated Students, reported on student activities.

Mr. Dick Soss, President-Elect of the Alumni Association, reported on the Association's programs for the coming year.

The meeting was recessed at 11:25 p.m.

BUSINESS MEETING

Chairperson Robinson called the business meeting to order at 8:45 a.m., Friday, December 14.

MINUTES APPROVAL

Motion #12-73-01: "That the minutes of the regular meeting of November 16-17 be approved."

Motion by Mrs. Wilson, seconded by Mr. Shore; approved unanimously.

UTILITY SERVICE IMPROVEMENTS

Motion #12-73-02: "That the contract for utility service improvement to the central utility plant in the amount of \$379,000 be awarded to Dawson Brothers Mechanical Contractors of Spokane." ✓

Motion by Mr. Shore, seconded by Mrs. Wilson; approved unanimously.

CHANGE ORDER FOR LANDSCAPING

Motion #12-73-03: "That the change order proposal from Bouten Construction Company of Spokane to provide and install special topsoil mix to future landscaping sites be approved." ✓

Motion by Mr. Shore, seconded by Mrs. Wilson; approved unanimously.

ISLE/SCIENCE HALLS REMODELING

Motion #12-73-04: "That the appointment of Stingle & Atwood as mechanical and electrical engineers and Peter Suden as structural engineer for the proposed Isle/Science Halls remodeling project be approved." ✓

Motion by Mr. Page, seconded by Mrs. Wilson; approved unanimously.

The Board of Trustees received clarification and assurance from the administration that no alterations will begin until after the end of the 1973-74 academic year and that the BSU, the Women's Commission and The Easterner will remain in the present quarters for the remainder of the 1973-74 academic year and that adequate replacement facilities will be provided for them.

PURCHASE OF ELECTRICAL EQUIPMENT

Motion #12-73-05: "That the purchase of transformers, switch gear, and other electrical equipment from the City of Cheney for the negotiated price of \$43,576 be approved." ✓

Motion by Mrs. Wilson, seconded by Mr. Shore; approved unanimously.

DROP/ADD FEE REDUCTION

Motion #12-73-06: "That the course drop/add fee be reduced from the \$10 presently being administered to \$5." ✓

Motion by Mr. Page, seconded by Mrs. Wilson; approved unanimously.

STUDENT PUBLICATION RULES and TRAFFIC AND PARKING REGULATIONS

Motion #12-73-07: "That an extension for 90 days on an emergency basis of WAC 172-52, 'Student Publications Commission;' WAC 172-116, 'Amendments to Traffic and Parking Regulations;' and WAC 172-118, 'Amendments to Traffic and Parking Regulations for Bicycles, Motorcycles and Motorscooters' be approved." ✓

Motion by Mr. Shore, seconded by Mr. Page; approved unanimously.

ASSOCIATED STUDENTS CONSTITUTIONAL CHANGE

Motion #12-73-08: "That the AS Constitution, Article I, Section 3, be amended on an emergency basis for 90 days as follows:

'All students registered for one credit hour or more at EWSC shall be members of this organization for the period of time covered by the fee.' "

 ✓

Motion by Mr. Shore, seconded by Mr. Page; approved unanimously.

TUITION AND FEE REMISSION

Motion #12-73-09: "That the Board of Trustees of Eastern Washington State College endorse the principle of providing partial or full tuition and fee remission for permanent fulltime employees of the college for coursework taken at the college similar to the statutory provision now existing at the two state universities, and request that the representatives of the college join with the other four-year state colleges to seek legislation to authorize such remission." ✓

Motion by Mr. Page, seconded by Mr. Shore; approved unanimously.

REGIONAL UNIVERSITY STATUS

Motion #12-73-10: "That the Board of Trustees of Eastern Washington State College endorse the principle of renaming the institution as a regional state 'university,' more properly to recognize its present functioning as a multipurpose regional institution of higher education offering general baccalaureate program, professional degree programs and graduate work to the master's level in selected areas, and request representatives of the institution to seek such changes in the name by action of the State Legislature."

Motion by Mrs. Wilson, seconded by Mr. Page; approved unanimously.

LIQUOR LICENSE

Motion #12-73-11: "That the Board of Trustees direct its counsel, Mr. D. Roger Reed, to advise Mr. John Workland of his administrative right to appeal the denial of his liquor license and further advise him that if he exercises his right of appeal, that counsel will prepare an amicus curiae brief in support of the appeal. That the Board further direct the legislative liaison officer of the College to communicate to the Legislature the College's position that the matter of liquor on campus be clarified by new legislation including, but not limited to, the repeal of RCW 66.44.10."

Motion by Mr. Shore, seconded by Mr. Page; approved unanimously.

REPORT OF THE COMMITTEE ON BY-LAWS

Pursuant to their charge from Chairperson Robinson, the Committee on By-Laws, consisting of Mrs. Wilson and Mr. Shore, reported to the Board of Trustees as follows:

- A. Recommended adoption of new By-Laws on "Copyright and Royalty" and "Faculty Appeal and Grievance Procedures" (copy of proposals -- Appendices A and B).
- B. Recommended consideration of non-voting student participation in deliberations on faculty tenure decisions (see Motion #12-73-12) and reaffirmed its commitment to a strong Affirmative Action Program (see Motion #12-73-13).
- C. Identified certain matters of committee agreement, but reported that no formal proposal has yet been completed for recommendation to the Board for revision of the By-Laws in matters relating to faculty appointment and retention.

Report of the Committee on By-Laws (continued)

- D. Rejected all proposed plans for merit pay. The Committee has asked the administration to draft a procedure for further consideration by the College of a concept of merit pay in which prizes or one year salary supplements are awarded to a relatively few faculty (about one percent of the total) identified by student evaluation as outstanding teachers. In addition, while the Committee supports in principle the current faculty salary schedule, it would like to see added a provision for a discretionary step increase at any point in the schedule.

Chairperson Robinson accepted the report of the Committee, and then instructed the Committee to continue working under its original charge of November 17, 1973, and when ready, to present and recommend new By-Law revisions for faculty appointment procedure and merit pay to the Board for its consideration. Chairperson Robinson further directed that on Friday, January 18, 1974, at the next Board of Trustees meeting, an Administrative Procedures Act hearing will be held on the Committee on By-Laws recommendations on faculty appeal and grievance and that the Board of Trustees will consider the proposal at the conclusion of that hearing; and that a hearing on the copyright and royalty policy recommendations will be held on the same date, with Board of Trustee consideration of action following.

STUDENT PARTICIPATION IN TENURE DECISIONS

Motion #12-73-12: "The Board of Trustees believes that consideration should be given to student participation in a non-voting manner in deliberations on faculty tenure decisions. The Board of Trustees, however, does not feel that it is appropriate to mandate a procedure but ask that the administration work with the Academic Senate in studying the concept and possible means of implementation. ✓

Motion by Mr. Shore, seconded by Mrs. Wilson; approved unanimously.

AFFIRMATIVE ACTION

Motion #12-73-13: "The Board of Trustees supports a strong Affirmative Action program. Special care must be taken in all By-Law revisions and in the application of all personnel policies that Eastern does not inadvertently counteract its Affirmative Action Program." ✓

Motion by Mr. Shore, seconded by Mrs. Wilson; approved unanimously.

EXECUTIVE SESSION

Chairperson Robinson called an executive session at 11:25 a.m. to discuss college personnel matters. The executive session adjourned at 11:55 a.m. Mr. Robinson called the meeting back to order in regular session at 11:55 a.m.

PERSONNEL ACTIONS

Motion #12-73-14: "That faculty personnel actions be approved (see Appendix C)."

Motion by Mrs. Wilson, seconded by Mr. Page; approved unanimously.

NEXT MEETING DATE

The date for the next meeting of the Board of Trustees was set for January 17-18, 1974.

ADJOURNMENT

The meeting was adjourned at 11:56 a.m.

Ronald E. Robinson
Chairperson

Kenneth R. Dolan
Secretary

Copyright and Royalty Policy

401.72.00 COPYRIGHTS AND ROYALTIES. The purpose of the following policy statements concerning copyrights and royalties is to identify and establish the types of assistance provided by the college to faculty and staff who produce creative, scholarly and research materials; and to define the control of, and rights to any income derived from such professional productions created by individuals while employed by the College. Because of the relatively uncharted and changing nature of the matter involved, the Board of Trustees in adopting these policy statements makes known that the policies will be reviewed and may be amended from time to time as circumstances may warrant in the judgment of the Board.

.72.10 Copyrightable Materials. Copyrightable materials are produced at Eastern Washington State College under three basic conditions: (a) faculty originated materials developed initially for classroom use in College programs but which may become marketable, (b) materials originally developed by any employee for other-than-classroom use in programs of the College, (c) materials developed as a result of a formal contract with the College, including appointment to positions in which such production is a part of the defined duties of the position.

.11 Types of Copyrightable Material. The following materials are subject to copyright and are included under the scope of this policy:

- 1) Books, articles, texts, bibliographies, study guides, manuals, syllabi, and similar printed materials.
- 2) College-sponsored or -assisted periodicals
- 3) Unpublished lectures, musical or dramatic compositions, and scripts
- 4) Maps and similar representations
- 5) Photographs, drawings, art reproductions, and other works of art, or scientific or technical illustrations
- 6) Films, filmstrips, charts, transparencies, and other visual aids
- 7) Video and audio recordings and cassettes
- 8) Live video or audio broadcasts
- 9) Programed instruction materials
- 10) Computer programs
- 11) Other materials that may become copyrightable under the revisions of the copyright law

For more detailed descriptions, see the various brochures issued by the Copyright Office of the Library of Congress.

- .12 "Originating" person(s). If more than one person is involved in the development or production of materials covered in these policy statements, it shall be the responsibility of the individuals and not of the College to determine their share or proportion of rights and obligations in agreements or policy administration.
- .72.20 Materials Developed for Classroom Use. To encourage the development of classroom materials, College facilities and staff time within budget feasibility will be made available to faculty and staff members in developing classroom materials, as part of the College's educational program.
- .21 When materials are developed for classroom use, the rights to royalties and copyrights shall reside with the originating faculty or staff member for purposes of any net income which subsequently may be derived from the materials; but the College shall retain the right to use of such materials in its own programs or in any cooperative educational programs in which it is engaged. Should any net dollar income accrue from use of this material by the College in a cooperative program, such income shall revert to the originating faculty or staff member.
- .22 Materials published or duplicated at College expense may not be sold to students registered in College programs.
- .72.30 Materials Developed for Other-Than-Classroom Use. Material for other-than-classroom use is that which in its physical form and specific content is not primarily designed for direct use in instructional programs of the College.
- .31 When material is developed for other-than-classroom use, with or without College assistance, the rights to fees, royalties, and copyrights shall reside with the originating faculty or staff member. This shall not include materials developed for informational purposes about College programs or materials prepared as part of the individual's duties in his regular assignment at the College.
- .32 If, in developing these materials, the faculty or staff member makes use of College materials or services, he is obligated to reimburse the College for developmental and production costs if he elects to apply for copyright or benefit from any sale of the material. These costs shall be determined by the officer administering this policy on the basis of reports by the internal auditor and other employees of the College which determine the actual cost to the College of such development and production, and shall be billed to the faculty or staff member. Use of library resources or personal office space shall not constitute a cost for the purposes of this section.

- .72.40 College-Commissioned Material. College-commissioned materials consist of those which result from a specific sponsorship by the College. Such projects may be proposed by the College administration or by a faculty or staff member. Any such sponsorship shall be accompanied by a written contract, prior to the development of the material, specifying the institution's and the individual's rights and obligations. Materials prepared as part of an individual's duties in his regular College assignment shall not be subject to these provisions.
- .41 In the case of college-commissioned materials, barring a written agreement to the contrary, the College shall have first right to apply for a copyright. If the College does not exercise this right, the individual originator may seek College permission to obtain a copyright, in which case the originator will agree to reimburse the College for the costs of production which results in commercial or non-college income to the originator.
- .42 Except for those individuals whose regular assignment includes the creation of potentially copyrightable material, contract arrangements for development or production of such materials should provide for appropriate adjustment of work load or payment for the time required by the project.
- .43 The contract providing for development of college-commissioned materials may assign none or all of the royalties to the originator. The administering officer should consider the advantages of sharing at least a portion of the royalties with the originator. Income derived by the college from college-commissioned material should ordinarily be allocated to college budget accounts for the support of instructional or scholarly development.
- .44 The granting of professional leave or leave of absence initiated by a faculty or staff member does not create a College commission for material which may result, unless there is a prior written agreement so specifying. In the absence of such an agreement, the rights and royalties of copyrighted materials resulting from such leaves shall reside with the originator.
- .45 In the case of production of materials under a grant administered by the College, the assignment of rights and royalties shall be accomplished in accord with the terms of the grant. If the sponsor makes no provision for the division or assignment of rights and royalties, then the administering officer shall apply the appropriate provisions of the College copyright and royalty policy.
- .72.50 Ownership and Use of Certain Copyrightable Materials. Ownership and use of films, video-tapes, transparencies, audio-tapes, computer-assisted instruction programs and similar educational materials should be in accord with the following guidelines:

- 1) When College materials are employed, the College retains physical ownership and rights for use of the materials in its educational and administrative programs, so long as no revenue in excess of the cost of production of the materials is realized by the College through such use, or no agreement to the contrary has been made with the originator.
- 2) The originator may request revision or withdrawal of materials on the basis that its substantive content is in error or outdated and therefore is educationally invalid; and the administering officer shall provide the originator an opportunity for revisions of the material if in the administering officer's judgment full withdrawal from use is not required for educational validity. The College may withdraw college-commissioned materials from use at any time, even though rights and royalties may be shared with the originator.
- 3) Any loaning, copying, transcribing or other use of copyrightable materials should always be accomplished in a manner that protects the rights and interests of the originators, and charges should be made and income shared when appropriate to do so. Copyrightable materials produced in College facilities which are loaned or otherwise made available for use shall be accompanied by a protective statement indicating that all rights are reserved and written permission must be obtained to duplicate the work in part or in its entirety.

.72.60 Use of College Facilities to Produce Salable Materials. It is not the intention of the College to compete with private enterprise. Use of College facilities to produce salable materials should have a clearly discernible educational purpose or benefit related to the College's announced programs.

- .61 Members of the College community who intend to produce material for commercial purposes shall contract with a private publisher, manufacturer or distributor for such services whenever practicable.
- .62 Non-College artists, performers, or other individuals or groups, making use of College facilities for the purpose of producing commercially salable materials, shall be charged a fee comparable to that which they would encounter in similar, commercially provided services. Unless there is a written agreement to the contrary, all rights and royalties shall be sought by, and accrue to, the outside artist, performer, individual or group. The College assumes no obligation to seek copyright protection or secure royalties in such cases. The assignment of rights and the division of royalties shall be in accord with the standard practices of the non-College user's profession or industry.

WAC 172-129 FACULTY APPEALS AND GRIEVANCES

WAC 172-129-010 PURPOSE. The purpose of the following appeal and grievance policy shall be to promote the interest of the college in its primary endeavors of teaching/learning with related and supporting activities of research, scholarship, and service, and to assure fair process for individual faculty members. These procedures are established to provide a means for the resolution of personnel and professional problems at the college in a manner that will best reconcile the interests of the college and individual faculty members through the use of formalized processes utilizing both professional peer judgment and administrative input.

WAC 172-129-020 JURISDICTION. The jurisdiction of this chapter shall be limited to matters concerning faculty members, as that term is defined in By-Law 400.11.00 of Eastern Washington State College.

WAC 172-129-030 DEFINITIONS.

(1) "Appointing authority" shall refer to those elements of the college constituency that appoint the representatives to the faculty Appeals Committee created in WAC 172-129-060 of this chapter; specifically, the appointing authority shall be the Academic Senate, the Council of Academic Deans, and the President of the college.

(2) "Days" when used in this chapter, shall mean, except where otherwise indicated, administrative working college days.

(3) "He" when used in reference to a singular person, shall refer both to the masculine and feminine gender.

(4) "Professional organization representative" means any individual designated by the organization of the individual's choice.

WAC 172-129-040 DIVERGENT PROCEDURES ESTABLISHED REGARDING GRIEVANCES AND APPEALS. It is a purpose of this chapter to establish two different meanings for accomplishing fair process the college wishes to create for faculty members in their relationships with the college. Accordingly, separate provisions in this chapter are made for appeal of decisions affecting the issues of whether faculty members' employment will continue at the college, as opposed to issues concerning the application of any By-Law or rule of the college. For the purpose of this chapter, therefore:

(1) "Appeals", and the right to utilize the procedures regarding appeals, are expressly limited only to cases contesting decisions that terminate employment as a faculty member of the college.

(2) "Grievances", and the right to utilize the procedures hereinafter promulgated regarding grievances, are expressly

limited only to cases involving a complaint by a faculty member or faculty members that:

(a) There has been as to him or them a misinterpretation, improper, or unfair application, breach, or violation of the academic and administrative policies and procedures of Eastern Washington State College as approved by the Board of Trustees, or

(b) He has been treated unfairly; except that the term "grievance" shall not apply to any matter over which the Board of Trustees is without authority or power to act.

WAC 172-129-050 USE OF NORMAL ADMINISTRATIVE PROCESSES ENCOURAGED. Normal administrative processes and consultation should be reasonably sought and used by a faculty member who feels aggrieved before he files a formal appeal or grievance.

WAC 172-129-060 FACULTY APPEALS COMMITTEE: PURPOSE AND COMPOSITION.

(1) In order to provide for professional peer judgment, careful consideration of institutional concerns, and to assure fair process for individual faculty members, an all-college committee which shall be known as the "Faculty Appeals Committee" is hereby established.

(2) The Faculty Appeals Committee shall be composed of fifteen (15) members: nine (9) selected by the Academic Senate, three (3) selected by the Council of Academic Deans, and

three (3) appointed by the President of the college. The initial appointees of each appointing authority shall serve for terms of twelve (12), twenty-four (24), and thirty-six (36) consecutive calendar months commencing on September 1 and terminating on August 31. The determination of which appointee shall hold a twelve month term, twenty-four month term, or thirty-six month term shall be made by the appointing authority of that appointee. All successors to initial appointees shall serve a term of thirty-six (36) consecutive calendar months commencing on September 1 of the first month of the first year and terminating on August 31 of the thirty-sixth month of the third year.

(3) No alternates or substitutes shall be allowed for any appointee to the Faculty Appeals Committee. Upon the resignation or death of any member of the Faculty Appeals Committee, a reappointment for the remainder of that person's term shall be made by the appointing authority that selected the resigned or dead member of the Faculty Appeals Committee.

(4) The Faculty Appeals Committee, meeting in a body, shall by no later than September 25 of each year select a chairman, vice chairman, and secretary who shall constitute the Executive Committee of the Faculty Appeals Committee, and shall serve twelve (12) consecutive calendar month terms.

WAC 172-129-070 FUNCTIONS OF THE FACULTY APPEALS COMMITTEE.

(1) The Faculty Appeals Committee shall have the primary responsibility on behalf of the college to make findings and recommendations for the resolution of grievances and appeals not resolved at Level II. Its recommendation shall be made to the President of the college for administrative action. Its conclusion shall be reported to the Academic Senate for information, but shall not be subject to action by the Academic Senate.

(2) The Faculty Appeals Committee will serve in various ways to achieve resolution of faculty complaints, grievances, and appeals:

(a) Informal investigation of complaints, conducted by its executive committee, seeking resolution through consultation and findings.

(b) Formal grievance procedure hearing (Level II) conducted by a panel of three (3) to five (5) members selected by the Committee's executive committee.

(c) Formal appeals procedure hearing conducted by a panel of five (5) members selected by the Committee's executive committee, except that in cases of termination for cause the hearing shall be conducted by the full committee.

(d) Formal investigation of personnel matters upon request of the President of the college, conducted by a panel of five (5) or the full Committee as determined by the Committee's executive committee.

WAC 172-129-080 CONFLICT OF INTEREST. A member of the Committee who has a possible conflict of interest in any grievance or appeal case by virtue of his departmental, institutional, or personal relationships will be excused from service for that case; the appellant or grievant may request the executive committee to rule upon the possibility of such conflict of interest on the part of a panel or committee member.

WAC 172-129-090 GENERAL PROCEDURES FOR APPEALS AND GRIEVANCES. If a complainant is not satisfied with the outcome of normal administrative review or informal private discussion(s), he may begin formal procedures by using the Grievance Review Request form(s).

(a) The initial form must be filed by the appellant or grievant within thirty (30) days after the occurrence or action being contested. However, consideration will be given by the Faculty Appeals Committee to extenuating circumstances beyond the faculty member's control which may have delayed the filing beyond this time limit.

(b) In each of the steps of the formal procedure, the two parties shall decide whether the hearing shall be open or closed, and if agreement cannot be reached, the hearing shall be closed.

(c) If the parties agree that a formal record or transcript of the proceedings shall be furnished, the cost shall be borne

equally by the parties, except that the college shall bear full costs in cases of termination for cause within contract period.

(d) Either party may be accompanied by others in the formal hearings, including representatives of his professional organization who might contribute to the acceptable adjustment of the grievance, but through Level III such persons may not conduct the presentation or cross-examination for the party being represented.

(e) Except for simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case will be avoided as far as possible by all parties until the proceedings have been completed.

(f) All individuals involved, and all others who might possibly contribute to the acceptable adjustment of an appeal or grievance, are urged to testify, with full assurance that no reprisal will follow by reason of such participation.

(g) All documents, communications, and records dealing with the processing of an appeal or grievance shall be filed separately from the individual's personnel file in a sealed envelope which shall not be opened except for use as legal evidence, and then only upon prior written notice to the person. A summary of the case and final adjustment thereof shall be placed in the individual's personnel file.

WAC 172-129-100 GRIEVANCE PROCEDURES.

(1) The resolution of grievances shall be accomplished as rapidly as possible. The aggrieved person(s) shall first take up the problem or complaint directly with the person or committee responsible for the challenged action or decision. At this stage discussion(s) shall be held in private; every effort shall be made to resolve the problem or deal with the complaint in a regular or informal manner.

(2) Formal hearings:

(a) Level One. Within thirty (30) days of the contested action or decision, the grievant(s) may present a Grievance Request Form (I) to his immediate administrator, the appropriate unit committee, or the administrator directly responsible for a contested action above the unit level. The administrator or committee shall within ten (10) days of the receipt of the Request Form hold a formal hearing. A written response shall be given to the aggrieved person(s) by the administrator or committee within five (5) days after the formal hearing(s) close.

(b) Level Two. If the grievance is not adjusted to the satisfaction of the aggrieved person at Level I, he may within ten (10) days refer his grievance to the chairman of the Faculty Appeals Committee by submitting to him a completed Grievance Review Request Form (II). A panel of three (3) to five (5) members of the Faculty Appeals Committee shall conduct a formal hearing within ten (10) days of the receipt of the form. A

written report shall be delivered to the aggrieved person and to the President within five (5) days stating the Committee's findings and its recommendations.

(c) Level Three. If the aggrieved person is not satisfied with the Faculty Appeals Committee recommendation, he may refer his grievance directly to the President within ten (10) days. The President or his delegate shall hold a formal hearing within ten (10) days of the receipt of the Grievance Review Request Form III. The President's decision shall be transmitted to the grievant in writing and shall be final.

WAC 172-129-110 APPEALS: DIVISION INTO CATEGORIES. Decisions affecting continuation of employment as a faculty member shall be divided into two distinct categories:

(1) Appeals of decisions not to renew a probationary appointment or not to grant tenure to one who is at the same time terminated as a faculty member; and

(2) Dismissal of a tenured faculty member for cause or termination of one not holding a tenured appointment before the expiration of his contract year.

WAC 172-129-120 BURDEN OF PROOF IN APPEALS.

(1) A faculty member who appeals under category (1) (a) of WAC 172-129-110 shall have the burden of proving ^{by a preponderance of evidence} that such nonrenewal was arbitrarily or capriciously made without due regard for the nonrenewed faculty member's ability to teach and/or contribute to the college.

(2) In the case of dismissal of a faculty member, as defined in WAC 172-129-110 (1)(a), the college shall bear the burden of proving, by a preponderance of the evidence, that such dismissal was made for adequate cause, as defined in By-Law 404.20.10.

WAC 172-129-130 HEARING PROCEDURE FOR APPEALS.

(1) The faculty member challenging a decision affecting his retention or tenure appointment shall first discuss the matter directly with his department chairman, and if he chooses, with the unit personnel committee chairman. At this stage, discussion(s) should be held in private, but the participants should keep informal notes of any points of agreement or disagreement as to facts and conditions discussed.

(2) Formal hearings:

(a) Level One. If the faculty member is not satisfied with the discussions at the department or unit level, he may within thirty (30) days of the date of the written notice from the college respecting his retention or tenure present an Appeal Request Form (I) to his college, school, or division dean. The Dean shall within ten (10) days of the receipt of the Appeal hold a formal hearing. A written summary of the Dean's conclusions from the hearing(s) shall be delivered to the appellant within five (5) days after the formal hearing(s) close.

(b) Level Two. If the faculty member is not satisfied with the conclusion of Level One, he may within ten (10) days of the receipt of those conclusions, refer his appeal to the chairman of the Faculty Appeals Committee on an Appeal Request Form (II). A panel of five (5) members of the Committee shall conduct a hearing within ten (10) days of receipt of the Appeal. A written report shall be delivered to the appellant and to the President within five (5) days, stating the Committee's findings and its recommendations. Administrative action upon the Committee's findings and recommendations shall be made known within ten (10) days from the date of the Committee's report.

(c) Level Three. If the appellant is not satisfied with the Faculty Appeals Committee recommendation, he may within ten (10) days refer his appeal to the President, using Appeal Request Form (III). If the President or his delegate in reviewing the recommendation and/or the review request by the appellant finds that additional evidence needs to be considered, he will return the recommendation with his stated reasons to the Committee, notifying the appellant of this action. If the President accepts the (final) recommendation of the Committee, it will be transmitted to the Board of Trustees, whose decision shall be final.

(d) Level Four. If the recommendation of the Committee is not acceptable to the President or to the faculty member who filed the Appeal, the Appeal shall be transmitted directly to

the Board of Trustees with either the President's or the appealing faculty member's stated reasons for differing with the recommendation of the Faculty Appeals Committee. The Board of Trustees shall then appoint a hearing examiner, pursuant to the powers granted to the Board by RCW 28B.19, who shall then conduct a formal hearing for contested case as such is provided for in RCW 28B.19. The hearing examiner shall, at the conclusion of the hearing, prepare his recommended findings of fact and conclusions of law which shall be considered by the Board. The Board's decision shall then be final.

WAC 172-129-140 SCOPE OF AUTHORITY CONFERRED UPON HEARING EXAMINER. The hearing examiner appointed by the Board of Trustees at Level Four, pursuant to WAC 172-129-130, shall not only prepare findings of fact and conclusions of law that shall be submitted to the Board, but such hearing examiner's findings as to credibility shall be deemed final and his findings of facts and conclusions of law shall not be overturned by the Board unless such proposed findings of fact and conclusions of law are not supported by substantial evidence.

WAC 172-129-150 COSTS OF APPEALS AND GRIEVANCES. In every case, except that occasion upon which a grieving faculty member or an appealing faculty member loses at all levels of grievance

or appeal, the college shall pay all costs of grievance and
except as otherwise provided in WAC 172-129-090 (c) hereof.
appeal, / In those cases in which the grieving faculty member
or appealing faculty member loses at all levels of grievance
or appeal, the cost shall be borne equally between the faculty
member and the college.

PERSONNEL ACTIONS

A. Administrative

Change of Title

- Amsden, Forrest M., from Placement Officer for Arts and Sciences to Career Planning and Placement Officer for Arts and Sciences, effective December 14, 1973. No salary change.
- Giles, Ramond M., from Director of Placement to Director of Career Planning and Placement, effective December 14, 1973. No salary change.
- Smith, Roebin, from Director, Career Opportunities for Disadvantaged Students to Student Services Officer (Black Education Programs), effective December 14, 1973. No salary change.

B. Academic

1. Faculty Appointments - Summer Quarter 1974

Part Time:

- Balabanis, Achilles, Associate Professor of Music; services rendered during the High School Creative Arts Summer Series, June 17 through 30. Salary: \$100.

Faculty Appointments - 1973-74 Academic Year

Part Time:

- Berney, Kyle C., Graduate Teaching Fellow in Art, Winter Quarter. Salary: \$960.
- Campbell, Robert P., Lecturer in Pharmacology, Winter Quarter. Salary: \$950.
- Dickerson, Joan R., Visiting Instructor in Education; 4 credits, Winter Quarter and 3 credits, Spring Quarter. Salary: \$1,120.
- Evans, Sue Jean, Substitute Teacher, Campus School, November 7, 8 and 28. Salary: \$50.
- Harding, Jon, Lecturer in Periodontology, Winter Quarter. Salary: \$1,500.
- Isherwood, Patricia N., Substitute Teacher, Campus School, November 8 and 9. Salary: \$25.
- Iverson, Derek E., Graduate Teaching Fellow in Mathematics, Winter and Spring Quarters. Salary: \$1,920.
- Nelson, Earl V., Part-time Instructor in Industrial Education and Technology; 3 credits, Winter Quarter. Salary: \$600.
- Price, Robert W., Acting Director, Indian Pupil Personnel Services; special consultation services, October 20 and 27. Salary: \$150 (grant funds).
- Reagan, Edith I., Substitute Teacher, Campus School, November 7. Salary: \$25.
- Robinson, Kathlyn M., Substitute Teacher, Campus School, October 18, 19, 23, 24, 25, 26, 31, and November 1, 2, 5 and 6. Salary: \$258.34.
- Sampson, Dick T., Associate Professor of Psychology; 3 credit course held in Kennewick, November 2 through 17. Salary: \$527.76.

Faculty Appointments - 1973-74 Academic Year (Cont.)

- Smith, Norma J., Graduate Teaching Fellow in Education, from October 23 to June 18. Salary: \$2,544.
- Trefry, William H., Lecturer in Dental Hygiene; workshop, October 10 to November 14. Salary: \$920 (grant funds).
- Urcia, Jose, Part-time Instructor in Urban and Regional Planning, 3 credits, Winter Quarter. Salary: \$880.
- Young, Delton W., Graduate Teaching Fellow in Psychology, from November 9 to June 18. Salary: \$2,304.
- Youngs, John W., Assistant Professor of History; article in November 1 issue of The Instructor. Salary: \$10.

2. Resignations

- Guffin, Ronald W., Graduate Teaching Fellow in Mathematics; resignation effective January 3, 1974.
- Lepper, Cheryl E., Graduate Teaching Fellow in Art; resignation of fellowship previously awarded for Winter Quarter; fellowship to be reactivated Spring Quarter, 1974.

3. Change of Status

- Lotzenhiser, George W., Professor of Music; extension of original appointment as Dean, School of Fine Arts, from two to five years. Term expires August 31, 1977.
- Raley, Adam R., Assistant Professor of Humanities and Philosophy; appointment as Interim Coordinator of Humanities for Winter Quarter of academic year 1973-74.
- Stevens, Harold K., Professor of Speech and Drama; appointment as Interim Chairman, Department of Drama, for Winter Quarter of academic year 1973-74.

4. Leave of Absence (without pay)

- Asan, Virginia M., Assistant Professor of Physical Education; leave of absence, Spring Quarter of academic year 1973-74.
- Parsons, Dora B., Assistant Professor of P.E.; cancellation of leave of absence previously granted for Spring Quarter of academic year 1973-74.

5. Sick Leave (with pay)

- Melchert, Paul A., Associate Professor of Psychology; on sick leave from November 2, 1973, for a period not to exceed six months.

6. Salary Change

- Sawyer, Ray C., Associate Professor of Mathematics; academic year salary base changed from \$13,535 to \$14,535 effective December 1, 1973, upon official notice of completion of the Ed. D. degree.

AGENDA
Board of Trustees Meeting
December 13-14, 1973
Pence Union Building - Council Chambers
EWSC Campus

Thursday, December 13, 1973 7:00 p. m.

Reports

Report on the Washington State Liquor Control Board's denial of the application for a license to sell beer and wine in the Pence Union Building.

Carol Worthington
John Workland

Report on Goals and Objectives
Kenneth Kennedy

Presidents' Reports

Friday, December 14, 1973 8:30 a. m.

Business Meeting

- I. Approval of minutes of the November Board meeting
- II. Continuing and New Business
 - A. Building and Planning
 1. Recommend approval of contract award to Dawson Brothers Mechanical Contractors in the amount of \$379,000 for utility service improvements at the Central Utility Plant. Attachment II A 1
 2. Recommend approval of the following change-order proposal prepared by Bouten Construction Company for additional work on the Special Events Building project: Provide and install special topsoil mix to future landscaping area at an added cost of \$5,858. Attachment II A 2
 3. Recommend appointment of consulting engineers for the proposed Isle Hall/Science Hall remodeling project as follows:

Mechanical and Electrical:	Stingle and Atwood
Structural:	Peter Suden

This matter was carried over from the November 16-17 Board meeting. Attachment II A 3
 - B. Business and Financial
 1. Agreement to purchase transformers, switch gear, and other electrical equipment from the City of Cheney. Attachment II B 1
 2. Recommend a reduction in the amount of the drop/add fee from \$10 to \$5. Attachment II B 2

III. Policies and Procedures

- A. Report of the Board of Trustees By Laws Committee appointed at the November Board meeting to study and make recommendations on policy amendment proposals:
 - 1. Royalty and Copyright Policy (Draft material to be forwarded)
 - 2. Appeals-Grievance Procedures (Draft material to be forwarded)
 - 3. Merit Salary Recognition
 - 4. Personnel Appointment and Continuation Policies

- B. Request extension for 30 days on an emergency basis WAC 172-52, "Student Publications Commission" rules.

- C. Request extension for 30 days on an emergency basis WAC 172-116, "Amendments to Traffic and Parking Regulations."

- D. Request extension for 30 days on an emergency basis WAC 172-118, "Amendments to Traffic and Parking Regulations for Bicycles, Motorcycles, and Motor-scooters."

NEW BUSINESS -
IV. Personnel Actions

Attachment IV

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