

11-29-1984

## Board of Trustees Minutes, November 29, 1984

Eastern Washington University

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## Agenda

Board of Trustees  
Eastern Washington University

November 29, 1984  
10:00 a.m., PUB Council Chambers

### I. Presidents' Reports

- A. Dr. H. George Frederickson
- B. Dr. Jerry Blanche, President, Faculty Organization
- C. Mr. Thayne Stone, President, Associated Students
- D. Dr. Gordon Martinen, Foundation/Alumni Association

### ✓ II. Approval of Minutes (Attachment II.)

### III. Policy Issues

- ✓ A. Acceptance of Capital Project  
North Dining Room of Tawanka (Attachment III.A.)
- ✓ B. Acceptance of Capital Project  
PUB Bus Shelter (Attachment III.B.)
- ✓ C. Grievance Procedures Clarifications  
Change in By-Law 406.30.10 (Attachment III.C.)
- ✓ D. Tri-Cities Agreement (Attachment III.D.)
- ✓ E. Faculty Merit Pay Grievance  
Case 83-6 (Executive Session) (Attachment III.E.)
- ✓ F. A.S. Reserve Account (Attachment III.F.)
- G. 1985 Board of Trustees Meeting  
Schedule

### IV. Information Items

- A. Dean's Report - Katz  
Human Learning and Development (Under Separate Cover)
- B. Update on State Legislative  
Committees
  - 1. Spokane Higher Education  
Coordination Study Committee
  - 2. Rinehart Committee

C. Operating and Capital Budget

✓D. British Columbia Reciprocity Agreement (Attachment IV.D.)

V. Old Business

VI. New Business

VII. Executive Session

An executive session will be called  
for the purpose of discussing  
personnel matters

✓VIII. Personnel Actions (Attachment VIII.)

Minutes

EASTERN WASHINGTON UNIVERSITY

Board of Trustees  
November 29, 1984

The Board of Trustees of Eastern Washington University held its regular monthly meeting on November 29, 1984, at 10:00 a.m. in the P.U.B. Council Chambers.

BOARD MEMBERS PRESENT

Mr. James D. Ray, Chairman  
Mrs. Holly Sonneland, Vice Chairman  
Mrs. Deborah Reis  
Mr. Bert Shaber

BOARD MEMBERS ABSENT

Mrs. Eleanor Chase

STAFF PRESENT

Dr. H. George Frederickson, President  
Mr. Ken Dolan, Secretary, Board of Trustees  
Mr. Owen Clarke, Assistant Attorney General  
Dr. Jerry Blanche, President, Faculty Organization  
Dr. Duane Thompson, Vice President and Provost, Academic Affairs  
Mr. Skip Amsden, Acting Provost, Student Services  
Mr. Russ Hartman, Vice President, Business and Finance  
Mr. Terry Mauer, Director, News Services  
Mr. William Slater, Dean, School of Fine Arts  
Dr. Vincent Stevens, Dean, School of Health Sciences  
Dr. William Hoekendorf, Dean, College of Letters and Sciences  
Dr. Niel Zimmerman, Dean, School of Public Affairs  
Dr. William Katz, Dean, School of Human Learning and Development  
Ms. Thelma Cleveland, Dean, ICNE  
Dr. Steven Christopher, Vice Provost, Undergraduate Studies  
Mr. Jay Rea, University Archivist  
Dr. John O'Neill, Dean, School of Social Work and Human Services  
Dr. John Douglas, Vice Provost, Graduate Studies  
Ms. Diane Showalter, Assistant to Vice President, Extended Programs

STUDENTS PRESENT

Mr. Thayne Stone  
Mr. Peter Perkins  
Mr. Darren Henke

## MEDIA PRESENT

Mr. Hugh Imhoff, KHQ-TV  
Mr. Bob Siler, Easterner  
Mr. Sherwood Anderson, Spokesman Review-Chronicle  
Ms. Susan Howard, KREM-TV

## BUSINESS MEETING

Chairman Ray called the Business meeting to order at 10:15 a.m.

## PRESIDENTS' REPORTS

1. Dr. H. George Frederickson, President, EWU

The United Way Campaign has met this year's goal and exceeded last year's total. The total contribution last year was \$18,113 and the total this year is \$22,600. The Education Division is up 7.6% over last year.

The search for a new Vice President for Student Services continues with 65 applications received. Interviews will take place during winter quarter.

Dr. The Spokane Higher Education Coordination Study Committee will meet on November 30, at SFCC's Student Union Building.

Spokane Area Consortium on Higher Education received funds for a study of technical and engineering programs in Spokane. Batelle has done a needs analysis on programs for the Spokane area. The programs being studied are: B.A. in Electrical Engineering, M.A. in Electrical Engineering, M.A. in Mechanical Engineering, B.A. in Computing Science, and a B.A. in Technical Administration. The study shows that the needs for these programs are being met except for the M.A. in Mechanical Engineering. It also shows that three times as many people are interested in a liberal arts degree than a technical degree.

2. Dr. Jerry Blanche, President, Faculty Organization

See Appendix I.

3. Mr. Thayne Stone, President of the Associated Students

See Appendix II.

4. Ms. Diane Showalter reported that on November 17th the Foundation held its quarterly board meeting.

The annual EWU Christmas tree lighting will be held at the Higher Education Center at 6:30 p.m. on December 6th. There will be a dance following the ceremony.

MINUTES OF THE REGULAR BOARD OF TRUSTEES MEETING OF OCTOBER 23, 1984, Agenda Item II.

Motion #11-01-84: "I move that the minutes of the regular meeting of October 23, 1984 be approved."

Motion by Mrs. Sonneland, seconded by Mr. Shaber, approved unanimously.

ACCEPTANCE OF CAPITAL PROJECT, NORTH DINING ROOM OF TAWANKA, Agenda Item III.A.

Motion #11-02-84: "I move that the completed remodeling project of the North Dining Room of Tawanka for the total adjusted contract amount of \$153,031.36 be approved."

Motion by Mrs. Sonneland, seconded by Mr. Shaber, approved unanimously.

ACCEPTANCE OF CAPITAL PROJECT, PUB BUS SHELTER, Agenda Item III.B.

Motion #11-03-84: "I move that the completed PUB commuter shelter for the total adjusted contract amount of \$24,359 be approved."

Motion by Mr. Shaber, seconded by Mrs. Sonneland, approved unanimously.

GRIEVANCE PROCEDURES CLARIFICATIONS, CHANGE IN BY-LAW 406.30.10, Agenda Item III.C.

Motion #11-04-84: "I move that the proposed change by the Academic Senate of By-Law 406.30.10, Senate 83-13, for clarification of the Grievance Procedures be approved."

Motion by Mr. Shaber, seconded by Mrs. Sonneland, approved unanimously.

TRI-CITIES AGREEMENT, Agenda Item III.D.

Motion #11-05-84: "I move that the Agreement on Preliminary Goal Statements, Principles of Operations and Interim Governance Structure for the Tri-Cities University Center be approved."

Motion by Mrs. Reis, seconded by Mrs. Sonneland, approved with one abstention.

Mrs. Reis reported that the Tri-Cities University Center is expected to be in operation by January 1, 1985. The Academic Council added a representative from Columbia Basin College. Duane Thompson, Vice President of Academic Affairs, EWU, was appointed Chairman of the Administrative Board.

FACULTY MERIT PAY GRIEVANCE, CASE 83-6, Agenda Item III.E.

The Faculty Merit Pay Grievance, case 83-6 was discussed during executive session.

A.S. RESERVE ACCOUNT, Agenda Item III.F.

Motion #11-06-84: "I move that a separate fund of \$40,000 be set aside from the A.S. undesignated reserves; and that authorization for the ASEWU Council to approve budget requests of up to \$3,000 from this fund be approved."

Motion by Mr. Shaber, seconded by Mrs. Reis, approved unanimously.

1985 BOARD OF TRUSTEES MEETING SCHEDULE, Agenda Item III.G.

Motion #11-07-84: "I move that the proposed 1985 meeting schedule be approved."

Motion by Mr. Shaber, seconded by Mrs. Sonneland, approved unanimously.

INFORMATION ITEMS, Agenda Items IV.

DEAN'S REPORT, Agenda Item IV.A.

Dr. William Katz, Dean of the School of Human Learning and Development, reported that the School has a concentration on Teacher Education. However, expectations of the School have changed in recent years and Human Learning and Development has now branched out to include research, publication, and professional programs.

UPDATE ON STATE LEGISLATIVE COMMITTEES, Agenda Items IV.B.

1. Spokane Higher Education Coordination Study Committee.

The final meeting of the Spokane Higher Education Coordination Study Committee will be held on November 30, 1984. Batelle's Spokane area needs assessment will be presented. Dean Cleveland will report on the operation of ICNE. The Committee will make a report to the Legislature in January.

2. Rinehart Committee

The Committee met on November 28th. Governance alternatives being studied include: a state-wide coordinating board and a change in the CPE to administrative services only. The Committee has not reached a consensus.

OPERATING AND CAPITAL BUDGET, Agenda Item IV.C.

Russ Hartman reported on the Governor's budget recommendations, which include: Enrollment of 7,000 for EWU, expansion of the Science Hall in the amount of \$1.7 million, and complete renovation of Sutton Hall.

BRITISH COLUMBIA RECIPROCITY AGREEMENT, Agenda Item IV.D.

The Council of Postsecondary Education has approved the 1984-85 agreement with British Columbia. Ten full-time students from British Columbia attending EWU will be granted waivers.

OLD BUSINESS, Agenda Item V.

The Faculty Organization is reviewing the Joint Select Committee on Student Services' report. A final report will be ready in February, 1985.

NEW BUSINESS, Agenda Item VI.

There was no new business for the Board's consideration.

EXECUTIVE SESSION

An executive session was called at 12:30 p.m. for the purpose of discussing personnel matters. Chairman Ray called the meeting back into regular session at 2:00 p.m.

PERSONNEL ACTIONS, Agenda Item VIII.

Motion #11-08-84: "I move that the personnel actions, including the addendum, be approved."

Motion by Mrs. Reis, seconded by Mrs. Sonneland, approved unanimously.

President H. George Frederickson was offered a salary of \$82,319 which is a 6.7% increase for the year beginning January 1, 1985.

GRIEVANCE CASE #83-6

Motion #11-09-84: "I move that the resolution #84-0, approving Dr. George Schatzki's findings in Grievance Case 83-6 be approved."

Motion by Mr. Shaber, seconded by Mrs. Sonneland, approved unanimously.



ADJOURNMENT

The meeting adjourned at 2:45 p.m.

NEXT MEETING DATE

The next regular meeting date of the Board of Trustees will be  
January 24, 1985.

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JAMES D. RAY, Chairman  
Board of Trustees

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KENNETH R. DOLAN, Secretary  
Board of Trustees

# EWU

## Memorandum

To: Dr. H. George Frederickson, President

From: Russ Hartman, Vice President for Business and Finance *Russ*

Date: November 16, 1984

Subject: Acceptance of Completed Capital Projects

It is recommended that the Board of Trustees, at its November meeting, accept the following projects as completed:

Tawanka North Dining Room improvements with Change Order No. 1.  
The Change Order includes the change to the serving bars requiring stainless steel instead of wood counter and miscellaneous items.

Pence Union Building Commuter Shelter with Change Order No. 1  
providing for additional wall reinforcing required due to an existing wall being hollow instead of solid block and concrete.

Background information on each of these contracts is attached.

ms

Attachments

# CAPITAL PROJECT ACCEPTANCE

It is recommended that the Board of Trustees accept the following capital improvement project at the November 29, 1984, meeting:

Project:	Tawanka North Dining Room Improvements		
Contract No.:	ES-83-10G		
Description:	The contract for this project provided for the extensive remodeling of the north dining room at Tawanka Commons. Improvements include modular seating units, ceramic tile flooring, wall mirrors, low voltage strip lighting, wood slat ceiling, mini-blind window treatment, new beverage counters, wood screen panels and related mechanical and electrical work.		
Consultant:	Brooks, Hensley, Creager Architects, Spokane		
Contractor:	Lill Construction Co., Spokane		
Contract History:	Contract award approved on May 24, 1984 Notice to Proceed issued on June 19, 1984 Construction substantially complete as of November 15, 1984		
Contract Amount:			
	Original Contract Amount:		143,827.00
	Change Orders:	No. 1 Add	9,204.36
	Total Adjusted Contract Amount:		----- 153,031.36

# CAPITAL PROJECT ACCEPTANCE

It is recommended that the Board of Trustees accept the following capital improvement project at the November 29, 1984, meeting:

Project:	Pence Union Building Commuter Shelter										
Contract No.:	ES-83-05BS										
Description:	The contract for this project provided for the installation of a skylight-type canopy on the PUB's northwest exterior wall. The canopy provides shelter for bus users.										
Consultant:	Brooks, Hensley, Creager Architects, Spokane										
Contractor:	BoPear, Incorporated, Spokane										
Contract History:	Contract award approved on March 22, 1984 Notice to Proceed issued on April 19, 1984 Construction complete on October 30, 1984										
Contract Amount:	<table border="0"> <tr> <td>Original Contract Amount:</td> <td>23,900.00</td> </tr> <tr> <td>Change Orders:        No. 1    Add</td> <td>459.00</td> </tr> <tr> <td></td> <td>-----</td> </tr> <tr> <td>Total Adjusted Contract Amount:</td> <td>24,359.00</td> </tr> </table>			Original Contract Amount:	23,900.00	Change Orders:        No. 1    Add	459.00		-----	Total Adjusted Contract Amount:	24,359.00
Original Contract Amount:	23,900.00										
Change Orders:        No. 1    Add	459.00										
	-----										
Total Adjusted Contract Amount:	24,359.00										

# EWU

## Memorandum

To: George Frederickson, President

From: Jerry Blanche, President - Faculty Organization *JB*

Date: October 30, 1984

Subject: Grievance Procedures Clarification

On October 15, 1984, the Academic Senate unanimously approved a change in By-law 406.30. 0, Senate 83-13, a minor segment of the Grievance Procedures.

I will be taking this By-law change to the Board of Trustees for its approval at the earliest possible date.

The Faculty Organization hopes that you will support this action. Furthermore, the Faculty Organization requests that if you have any objections to this proposal, you will please forward them, in writing, to the Faculty Organization office at your earliest convenience.

A copy of the proposal is attached.

JB:dg

cc: Duane Thompson  
Bill Rottmayer  
Bob Gibbs

Faculty Affairs Council Recommendations on Grievance Procedures Clarification

Adopted 4-19-84

SENATE MATERIAL

83-13

Present

Recommended (the change is underlined)

406.30.10

406.30.10

Review. If the grievance is not adjusted nor implementation begun to the satisfaction of any of the concerned parties at Level II, the dissatisfied party may, within ten (10) days after receipt of notice of action taken, refer the grievance to the Board of Trustees for designation of a Hearing Examiner using a Review Request form. Within twenty (20) calendar days after receiving the Review Request form, the Board of Trustees shall notify the chairperson of the Academic Senate that the Hearing Examiner selection process is to be initiated. After selection of the hearing examiner, the Board of Trustees shall transmit the record of the previous proceedings, along with the President's and/or grieving party's stated reasons for differing with the recommendation of the Faculty Grievance Panel, to the hearing examiner.

Review. If the grievance is not adjusted nor implementation begun to the satisfaction of any of the concerned parties at Level II, the dissatisfied party may, within ten (10) days after receipt of notice of the result of presidential review, refer the grievance to the Board of Trustees for designation of a Hearing Examiner using a Review Request form. Within twenty (20) calendar days after receiving the Review Request form, the Board of Trustees shall notify the chairperson of the Academic Senate that the Hearing Examiner selection process is to be initiated. After selection of the hearing examiner, the Board of Trustees shall transmit the record of the previous proceedings, along with the President's and/or grieving party's stated reasons for differing with the recommendation of the Faculty Grievance Panel, to the hearing examiner.

# Council of Presidents Office

Robert G. Waldo  
Executive Director

October 31, 1984

To: COP Members  
ICAO Members  
ICBO Members  
ICLO Members

From: Robert G. Waldo *RGW*  
Executive Director

Subject: Tri-Cities Statements

The two items enclosed were released in the Tri-Cities on October 29, 1984 at a meeting of the Joint Advisory Committee on Higher Education, Governance, Tuition Fees and Financial Aid. (Nita Rinehart's committee).

Good response from most people. Exceptions were Carl Trendler and Fred Esvelt who want to be on the Administrative Board with vote.

I indicated we would be discussing details such as Board membership in the weeks to come.

RGW:sms  
Enclosures

# Council of Presidents Office

Robert G. Waldo  
Executive Director

October 26, 1984

## Report of Agreement on Preliminary Goal Statements, Principles of Operations and Interim Governance Structure for a Tri-Cities University Center

The Council of Presidents supports the development of an integrated university center in the Tri-Cities. We have agreed to the following preliminary goal statements, principles of operations and interim governance structure.

### Goal Statements

The goal of the Center is to function as a single institution offering coherent academic degree programs.

A strong commitment is made to providing high quality programs.

Program competition and duplication will be prohibited.

Degrees will be offered by the individual institutions and each institution will participate in ways appropriate to its current role and mission. It is recognized that Columbia Basin Community College has the primary responsibility for providing lower division course instruction and every effort will be made to coordinate the Center's upper division course offerings with appropriate community college courses and programs.

### Principles of Operation

The following universities will participate as members of the Tri-Cities University Center: University of Washington, Washington State University, Central Washington University and Eastern Washington University.

The process of integration will begin immediately with the establishment of administrative and academic policy groups, and the Center will begin operation in July, 1985. The new Center governance and administrative structures will supersede all existing governing and coordinating arrangements.

During the first two years (1985-87 biennium) the research universities will operate according to current fiscal procedures and Central Washington University and Eastern Washington University will separately identify and budget the institutional funds to be used to support their Tri-Cities offerings.



Beginning with the 1985-87 biennium, student credit hours generated by Center courses will not be included in institutional campus enrollment counts.

Beginning with the 1987-89 biennium, the Center will prepare one budget request based on institutional programming. Each institution will participate in the development of the budget request and decisions related to the allocation of funds. The Administrative Board will have responsibility for preparing the budget. Prior to the implementation of this procedure one of the participating universities will be designated fiscal agent.

There will be one tuition and fee schedule for courses offered through the Center.

### Governance Structure

#### Administrative Board

The presidents of the four participating universities, or their academic officers, and the chairman the Citizens Advisory Committee, will serve as the policy making administrative body for the Tri-Cities University Center. The Dean/Resident Director of the University Center, a staff member of the Richland operations office of the U.S. Department of Energy, and the President of Columbia Basin Community College shall serve as ex-officio members without vote. The chairmanship of the Board shall rotate among the four universities.

#### Academic Council

Each of the presidents will appoint two institutional members to serve on the academic council. A representative from Oregon State University and a member of the Citizens Advisory Council will also serve on this Council. A representative of the CPE staff will serve ex-officio. During the interim 1985-87 period, the Dean/Resident Director shall serve as chairman of the academic council.

#### Citizens Advisory Committee

There should be a citizens advisory committee to provide appropriate coordination of Center programs with the needs of the Tri-Cities community.

Minutes

EASTERN WASHINGTON UNIVERSITY

Special Meeting  
Board of Trustees  
December 7, 1984

The Board of Trustees of Eastern Washington University held a special meeting on December 7 and 8, 1984, at 9:00 a.m. at the Snow Blaze Condominiums, Mt. Spokane.

BOARD MEMBERS PRESENT

Mr. James D. Ray, Chairman  
Mrs. Holly Sonneland, Vice Chairman  
Mr. Bert Shaber  
Mrs. Eleanor Chase  
Mrs. Deborah Reis

STAFF PRESENT

Dr. H. George Frederickson, President  
Mr. Ken Dolan, Secretary, Board of Trustees

BUSINESS MEETING

Chairman Ray called the meeting to order at 9:30 a.m. An executive session was called at 9:45 a.m. for the purpose of the evaluation of the President.

The Board recessed at 7:00 p.m., December 7th and reconvened in executive session at 9:45 a.m., December 8th. The Chairman announced an open meeting at 12:00 p.m.

Mr. Ray suggested that a follow-up retreat be held following the legislative session. The meeting was adjourned at 12:05 p.m.

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JAMES D. RAY, Chairman  
Board of Trustees

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KENNETH R. DOLAN, Secretary  
Board of Trustees

TO: All Parties Concerned with Grievance Case 83-6

FROM: Faculty Grievance Panel for Case 83-6

Roy K. Behm, Chairman

Ernest Gohlert

James Kieswetter

Elwyn Lapoint

Barbara Miller

DATE: March 2, 1984

SUBJECT: Findings of Faculty Grievance Panel

## I. INTRODUCTORY REMARKS

The Chair of the Faculty Grievance Committee presented a Level II Hearing request on November 2, 1983, to a Faculty Grievance Panel. The panel consisted of Professors Ernest Gohlert, James Kieswetter, Elwyn Lapoint, Barbara Miller, and Roy Behm (Chair). The case was designated 83-6. The statement of grievance (Panel Document 1) is attached.

The grievance was filed against William K. Katz, Dean of the School of Human Learning and Development by twelve faculty members of the Department of Education who alleged violation of certain By-Laws relating to merit pay. The grievants are Professors Noreena Carr, Phillip George, Wayne Hall, Russell Hubbard, Charles Miller, Coreen Morrill, Janet Norby, Lula Schroder, William G. Williams, Robert Wilkens, and Steven Spacek. A pre-hearing conference was held November 10, 1983, at which time it was agreed to postpone the hearings until January. The grievants were represented by William J. Powell. The respondent was represented by Senior Assistant Attorney General Owen F. Clark. Assistant Attorney General Rick Woods provided legal advice to the panel. Dr. William Shreeve, Chair of the Education Department, and Dr. Duane Thompson, Vice President and Provost for Academic Affairs, and Professors Wayne Hall, Russell Hubbard, Phillip George and Coreen Morrill, were called as witnesses. All proceedings were tape recorded. Hearings were held January 19, January 20, February 7, and February 9, 1984, concluding on the latter date.

Part of the wording of the Level II Grievance was disallowed by the panel by granting a motion on behalf of the respondent, because the new wording was believed to constitute a substantial addition to the Panel I allegations. The original Level I grievance was the basis for the proceedings and the findings.

## II. FINDINGS OF FACT

1. See prepared statement "Stipulation of Undisputed Facts" (Panel Document 2).
2. Exhibit B of Panel Document 2 Dean Katz memo of June 1, 1983, is a sample of a ballot distributed to all faculty of the school of Human Learning and Development. The ballot received majority approval. The ballot

March 2, 1984

directly addressed criteria adopted by each department. It did not address procedures.

3. Dr. Shreeve testified that he sent to the Dean a list of those faculty he deemed outstanding on June 1, 1983. To be placed on this list, a faculty member must have had a teaching effectiveness score of 1.55 or less or a service and professional activities score of 60 or more as determined by one of the four possible ways. The faculty of the Education Department were not advised of the list or the selection criteria established by Dr. Shreeve.
4. Four grievants received University Service Awards for Excellence. Eight others received no award at the school level.

### III. STATEMENT OF BY-LAWS, POLICIES, PROCEDURES, AND PRINCIPLES

The case is based upon Dean Katz' alleged violation of EWU By-Laws 403.10.31 #5 and 403.10.43, and alleged unfair treatment resulting therefrom in the distribution of Dean's Reserve funds and the University Service Awards for Excellence. Please refer to the "The Statement of Grievance" attached.

### IV. CONCLUSIONS OF LAW, POLICY, PROCEDURE, AND PRINCIPLE. THE CONCLUSIONS OF THE PANEL TAKEN ON A POINT-BY-POINT BASIS FOR THE GRIEVANCE FOLLOW

- "1. Violation of By-Law 403.10.31 #5.  
Withholding of salary enhancement without evaluation based on established criteria which was approved and published at least one year prior to denial."

Finding: Dean Katz was not responsible for the failure to establish criteria in accordance with the provisions of this By-Law. The time factor which led to this failure was beyond his control. The board of Trustees had allowed the Senate and Administration to develop a new plan during the 1982-83 year. It was not possible to have approved criteria and procedures in place for one year.

- "2. Violation of By-Law 403.10.43  
a. Written criteria and evaluation process for nomination and selection were not established."

Finding: The panel believes that this allegation is adequately proven with respect to process. With regard to the establishment of written criteria, the allegation is not proven. See Exhibit B, Panel Document 2.

- "b. Majority approval of criteria was not attained."

Finding: The panel believes that this allegation is not supported by the evidence. Tabulation of the return of Exhibit B, Panel Document 2, from the faculty of the school proves that majority approval of criteria from both the faculty of the School of Human Learning and Development and of the faculty of the Education Department in particular was attained.

March 2, 1984

"c. Majority approval of evaluation processes was not attained."

Finding: The panel believes this allegation is adequately proven. Exhibit B, Panel Document 2, the ballot, does not mention process. It only refers to criteria.

"d. A 'review of written criteria and evaluation process by the Vice-President and Provost for Academic Affairs to assure adequacy and fairness before being applied' did not occur."

Finding: The panel believes that Dean Katz is not responsible for what the Vice-President and Provost for Academic Affairs does or does not do. Dean Katz has not violated this part of the By-Laws.

"e. Evidence was not given that awards were determined to be consistent with the goals of the University."

Finding: The panel believes that this allegation was not adequately proven.

"3. Unfair treatment

a. Written documentation was used in a manner other than for which it was prepared."

Finding: The panel believes that the allegation was not adequately proven. The documentation was used to make decisions on the distribution of merit funds.

"b. Merit money was assigned using a process which was unknown to us."

Finding: By virtue of the violation stated in 2.a. and 2.c. above and agreed upon by the panel, we believe this statement is proven.

"c. The process used resulted in undue stress and/or loss of income for us."

Finding: The panel believes that stress may have occurred, but this claim was not adequately supported with evidence. The panel also believes that proof of loss of income was lacking, especially in terms of the amount of income that should have been gained if a known process had been used by the Dean.

## V. RECOMMENDATIONS

The panel recommends the following:

1. The Dean and the faculty of the School of Human Learning and Development should immediately begin to develop a single plan for the distribution of Dean's Reserve and University Service Awards for Excellence funds throughout the School of Human Learning and Development. A mutually agreed upon plan should be in effect before the process of evaluation

March 2, 1984

and distribution of funds for meritorious performance begins this Spring. The root of the problem in this case was the lack of time to develop a workable plan. The acceptance of and the late date at which the Education Department completed its plan placed the Dean in an untenable position. This must be changed as soon as possible to prevent a repetition of the problem.

By-Law 403.10.31 #5 which requires that approved criteria and procedures be in place for one year should be set aside. Official revisions in this By-Law to allow for changes to take place by mutual agreement are recommended.

In the event that a plan is not developed and approved by June 1, 1984, awards should be postponed until such time as agreement is reached. Awards from the Dean's Reserve and the University Service Awards for Excellence would be made retroactive to the dates appropriate for each faculty member.

2. We support the request that no punitive action be taken against the grievants. We recommend that all persons in a position to do so be advised to refrain from such actions.
3. We recommend that no damages be awarded. Punitive damages as requested verbally by the grievants' counsel do not apply in the State of Washington. Insufficient evidence was presented to warrant a specific dollar amount in compensatory damages. Awards from the Deans's Reserve and the University Service Awards for Excellence would need to be justified by individual evaluations of the grievants. This approach was not requested by the grievants. See Panel Document 3 a memorandum to Roy K. Behm, Grievance Panel Chair from Coreen Morrill dated December 5, 1983.

# EWU

## Memorandum

To: All Parties Concerned with Grievance Case 83-6

From: Ken Dolan, Executive Assistant to the President

Date: March 26, 1984

Subject: Presidential Review of Grievance Case 83-6

In the capacity of the President's designee, I have reviewed the record of Grievance Case 83-6, including all the tape recordings of the hearings and all the documents submitted as evidentiary material.

I am in agreement with the conclusion of the panel and concur with the recommendations as stated.

The Dean of the School of Human Learning and Development is working closely with the faculty to develop a mutually agreed upon plan for the evaluation of faculty and for the allocation of funds from the Dean's Reserve and the University Service Award for Excellence.

By-Law 403.10.31, #5, will be reviewed by the appropriate council(s) of the Academic Senate and administrative bodies.

I want to compliment all sides in this grievance for the highly professional way in which the grievance was presented, deliberated upon, and finally brought to conclusion.



# OFFICE OF THE ATTORNEY GENERAL

October 22, 1984

Duane Thompson  
Provost and Vice President of Academic Affairs  
Eastern Washington University  
Cheney, Washington 99004

Re: Faculty Merit Pay Grievance

Dear Duane:

Pursuant to our telephone conversation of this morning I am enclosing a copy of Dean George Schatzki's recommended decision in the above-captioned grievance. Under the Faculty Grievance Bylaw, the hearing examiner's findings and conclusions must be considered by the Board of Trustees before the Board makes its final decision in the case. Accordingly, I intend to deliver copies of Dean Schatzki's recommended decision to the members of the Board of Trustees at tomorrow's Board meeting. I will recommend that the Board refrain from taking final action until the November meeting to insure that each of the members of the Board has had an opportunity to read the findings and conclusions before acting upon them.

If you have any questions, please feel free to give me a call.

Very truly yours,

*Owen F. Clarke Jr*  
OWEN F. CLARKE, JR.  
Senior Assistant Attorney General  
Chief, Spokane Office

OFC:dc  
Enc.

Ken Eikenberry Attorney General  
West 1116 Riverside, Spokane, Washington 99201-1194



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Connecticut

School of Law

65 Elizabeth Street  
HARTFORD, CONNECTICUT 06105-  
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RECEIVED

OCT 22 1984

ATTORNEY GENERAL'S OFFICE

SPOKANE

October 15, 1984

Mr. Owen F. Clarke, Jr.  
Senior Assistant Attorney General  
West 116 Riverside  
Spokane, WA 99201-1194

Mr. William J. Powell  
1120 Paulsen Building  
Spokane, WA 99201

Dear Messrs. Clarke and Powell:

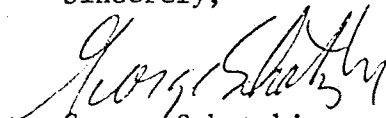
Re: Eastern Washington University and Stueckle et al.  
(Merit Pay Grievance)

Enclosed for each of you is a copy of my decision and award in the above matter. I recognize that the Rules suggest I should send the decision to the Board of Trustees, but I trust that one of you will see to their receiving the decision.

I have also enclosed for you, Mr. Clarke, a statement of my expenses and fees.

I apologize for my delay. It was due to the chaos created by my new duties and by the lengthy and complex record. This was not an easy case. Your excellent briefs, not to mention the order you brought to the hearing before the faculty panel, were lifesavers for me. Thanks very much.

Sincerely,

  
George Schatzki

GS/ns

Expenses and Fees of George Schatzki, Arbitrator in the  
Matter of Stueckle et al. v. Eastern Washington University

Expenses

Xeroxing, postage . . . . . \$ 6.80

Typing . . . . . \$33.00

Total Expenses . . . . . \$ 39.80

Fees

Study and Writing of an Award -

4 days at \$400. . . . . \$1600.00

Total Expenses and Fees . . . . . \$1639.80

Amount Owed by Eastern Washington University. . \$1639.80

## Decision and Award

In the Matter of

Stueckle et al.

v.

Eastern Washington University

Several faculty members at Eastern Washington University filed grievances regarding merit pay increases granted in June 1983. Following a first level in the grievance procedure, a hearing was held before a faculty panel. Both the grievants and the University were represented by counsel. Both parties presented oral and real evidence. A tape recording of the proceedings was made and the hearing has been transcribed. Following the panel's decision and the approval by the President's Office of the panel's recommendations, the grievants sought this arbitration. The grievants also submitted a table of the losses they believed they had suffered because of the University's actions.

### Facts

This case involves a grievance by a number of faculty members in the University's Department of Education, which is a part of the School of Human Learning and Development. The grievance centers around merit increases which were granted in the spring of 1983.

In March 1983, the University's Board of Trustees adopted a new salary plan which had worked its way through a fairly extended and sometimes heated legislative process. The Faculty Senate, as well as many others, was involved in the promulgation of the new rules. Included in the provisions is a by-law which reads as follows:

"403.10.40 Criteria. . . 403.10.43. Deans' Reserve and University Service Awards for Excellence. Each dean, in cooperation with his or her faculty, shall establish written criteria and evaluation processes consistent with the goals of the University by which the members of the unit are nominated and selected for these awards. The written criteria and evaluation process must meet the approval of a majority of the faculty of that unit, and they should provide consideration for performance for both traditional and non-traditional academic activities. . . [A]ny major changes shall normally be made one year prior to their use in the selection process. Decisions on recipients of the awards shall be forwarded to the head of each local unit."

On June 1, 1983, Dean William Katz sent a memorandum to his faculty. It is reproduced in full:

To: Faculty in the School of Human Learning and Development  
From: Bill Katz, Dean, School of Human Learning and Development  
Date: June 1, 1983  
Subject: Awarding of Merit Funds in the Dean's Reserve

The amount of money available in the Dean's Reserve is approximately \$22,000. I intend to award it to the faculty who have demonstrated outstanding contributions in one or more of the areas determined by the departments utilizing the criteria adopted by those departments. Please indicate whether you approve of my intent and the amount you believe to be appropriate.

-----

<u>      </u>		I approve of Dean Katz' use of the criteria
Yes	No	adopted by each of the departments in the
		School of Human Learning and Development to
		award merit money in the Dean's Reserve.

Choose One

<u>      </u>	I believe that twenty-two merit awards of
Yes	approximately \$1,000 each should be made

or

<u>  X  </u>	I believe that twenty-nine merit awards of
Yes	approximately \$750 each should be made.

Please return to Joyce Black by June 6, 1983

Signed \_\_\_\_\_

Prior to June 1, the Department of Education had established four methods for evaluating faculty for departmental merit awards. The procedures and forms used for each type of evaluation varied. To the extent they addressed the kind of merit which justified departmental merit awards, all reflected concern for teaching, scholarship, and service.

For purposes of departmental merit awards, members of the department selected one of the procedures to be applied to their own circumstances. They were evaluated, and twenty-eight of the thirty-two who sought departmental merit increases were rewarded with some merit increase.

Following the Dean's memo of June 1, 1983, the departmental chairperson forwarded to the dean all of the materials which had been submitted by the thirty-two faculty members in support of their desires for departmental merit increases. Additionally, he forwarded to the dean a list of eleven persons whom, he believed, were most deserving of school-wide merit increases.<sup>1/</sup>

Eventually, the dean awarded school-wide merit increases to thirty-two faculty members, including four of the grievants. Two of these four had been on the department chairperson's list of eleven who were recommended to the Dean.

The Dean had two types of merit money to award. One type, "dean's reserve" money, is added to a faculty member's base salary and becomes a permanent part of the faculty member's salary, year to year. The other type, the University Service Award for Excellence, is a one-year bonus. Most of the awards in 1983 were of the latter type. Only five faculty members received merit raises from the Dean's Reserve; none of the five is in the Department of Education.

The Dean testified that he did consider the criteria that each of the departments had used to make their own merit decisions. In so stating that he had, the Dean considered those criteria to be teaching, scholarship, and service. He testified that those criteria ran through all the plans.

The Dean also testified that an overwhelming majority of those voting approved of the standards he sent out in his June 1st memorandum, and a clear absolute majority also supported the proposal. Dean Katz also testified that he did not view the suggested alternative distribution plans as soliciting a binding vote from the faculty, but saw the faculty response as advisory only.

Because some (if not all) the alternative merit plans used in the Department of Education do not require a faculty member to divulge all that he or she has done, but -- rather -- only require faculty members to prove certain minimum performance levels in order to qualify for departmental merit increases, some of the members of the department testified they had not submitted all they could have to support a claim of merit which demanded higher performance. As a result, the dean did not have available to him all materials which may have supported some of the disappointed grievants.

<sup>1/</sup> Subsequently, he believed he had been in error and that he should have sent the Dean no names or the names of all who received departmental merit awards.

Some of the grievants also testified that they understood the June 1st memorandum to be a "straw" vote which would advise the Dean, who would then seek a more formal vote of the faculty.

Some faculty members informed the Dean of alleged errors in his memorandum. First, all the merit money would not come from Dean's Reserve; indeed, most would be from the University Service Awards for Excellence. Second, no procedures were mentioned in the memorandum. Third, the money awards suggested in the second part of the June 1st memorandum had implicit in them the idea that not all persons who were awarded departmental merit awards would also receive school-wide merit awards.

#### Procedure

The grievants filed their grievance, which was not resolved at the first level of the relevant procedures. Subsequently, a faculty committee was created to resolve the grievances. It made a series of findings and recommendations, which were affirmed by the University president's representative. Not satisfied with the results, the grievants requested this arbitration, for which provision is made in the University's grievance procedures.

The faculty panel made the following conclusions and recommendations which are in no way before the arbitrator:

(1) Dean Katz was not responsible for the failure to establish criteria within at least one year prior to the merit awards because there simply was not time for that to have happened.

(2) Dean Katz was not responsible for what the vice-president and/or the provost did regarding review of the criteria and procedure.

(3) The grievants did not prove that the merit awards were in some way inconsistent with the goals of the University.

The faculty panel made the following conclusions and recommendations which support the grievants:

(1) Dean Katz failed to get majority approval of the evaluation process. His June 1st memo did not mention process at all.

(2) Merit money was assigned via a process of which the grievants did not have knowledge.

(3) The Dean and the faculty "should immediately begin to develop a single plan for the distribution of Dean's Reserve and University Service Awards for Excellence. . . The root of the problem in this case was the lack of time to develop a workable plan. The acceptance of and the late date at which the Education Department completed its plan placed the Dean in an untenable position." By-laws which require "that approved criteria and procedures be in place for one year should be set aside. . . In the event that a plan is not developed and approved by June 1, 1984, awards should be postponed until such time as agreement is reached. . ."

The faculty panel made the following conclusions and recommendations to which the grievants take exception:

- (1) Grievants failed to prove that the dean had not established written criteria for the merit awards.
- (2) Grievants failed to prove that the dean had not attained majority approval of the criteria.
- (3) Grievants failed to prove that the dean had used written documentation in a manner other than for which it was prepared and that such use was unfair.
- (4) The panel found that there may have been stress felt by the grievants, but they failed to support their claim of undue stress with evidence. Moreover, the panel held that there was a lack of proof of lost income.
- (5) The panel recommended that there be no punitive damages.
- (6) The panel also recommended that no damages be awarded because (a) punitive damages were not permissible, and (b) the individual grievants had not shown individual losses of any kind.<sup>2/</sup>

#### Discussion

In my judgment, this grievance centers around two kinds of disputes. Formally, the grievance is about the process followed by the Dean in making the merit awards. Thus, the grievants point to the ambiguities, errors, and omissions in the June 1st memo that the dean circulated to get the approval of the faculty. Under the surface, I believe there is the traditional and very difficult issue of what, if anything, can constitute "merit" for decisions which will result in granting some faculty members benefits not granted to others. The Dean testified that he wished to grant merit increases to even fewer persons than to those who actually received it; because of advice he received from the Provost and from a variety of faculty members, he "democratized" (my word) the decisions somewhat, and more people received awards for merit than he had originally planned. The record suggests that the Department of Education -- in general -- frowned on so-called merit increases and argued for, as much as possible, raises across-the-board or in some other non-judgmental way. Since the by-laws clearly anticipate that merit be recognized and be rewarded with some money, the formal argument in this case cannot rest upon this issue, which is very real and legitimate in other circumstances.

Thus, the formal issues surround the process questions. At this stage of the proceedings, I am bound by the conclusion that the dean did not articulate or get approval for a written procedure to support the merit awards. The faculty panel concluded, however, that the reason for the dean's failure was, in a sense, justifiable, because there had not been time to assure that the whole merit-increase process (criteria and procedures) would be done wholly properly.

- 2/ Presumably, in response to this recommendation, the grievants did file with their brief to the arbitrator a table which purported to set out the losses the individual grievants suffered due to the actions of the Dean.

Nevertheless, the grievants argue, not only was the procedure lacking, so, too, were the criteria. The dean testified that he did follow the provisions of the June 1st memorandum, in that he used all the criteria of all the departments, applied them (it would appear to me, in a "more or less" fashion) to the individuals in each department, and determined after several readings of the documentation which persons really stood out. Despite the fact he reached different decisions than the chairs of some of the departments (certainly he did in the case of Education), he maintained that he followed the departmental criteria. It is my judgment that, for purposes of this case, he did adequately follow the departmental criteria. He was aware of their specifics. He knew which departments had what criteria. He knew who had selected what standards within the Department of Education. He did review the files. In stating in the June 1st memo that he would apply the criteria of the departments, he was not promising to reach the same results the departments had. Implicit in his memo was the fact that he would not be giving as many awards as the departments had done in their own merit processes. Second, he said he would "utilize" the criteria of the departments, not recreate the same results. In the process of using his own unique mind rather than those of the departmental chairpersons or committees, he was bound to have some different assessments of the same data.

Accordingly, I hold the dean did tell the faculty (1) he might have different results than the departments had, (2) he would use the criteria created by the departments, and (3) he did do so.

Did the faculty approve the criteria by a majority vote? First, I am not persuaded that it is at all relevant the dean wrote in error that he had \$22,000 in dean's reserve for merit increases, when in fact almost all of that money was not in the reserve but was part of the fund for service excellence -- the latter is only bonus money. As such, it is not so important because it does not attach to subsequent annual salaries of the affected faculty. To the extent the dean erred, then, he led unsuspecting faculty (many were not) to believe that the decisions he was making regarding merit had more import than they really did. To the extent, then, that the faculty was misled, presumably it would have taken even more seriously the process and criteria and would have been more likely -- not less likely -- to protect their personal interests.

Since I have already concluded that the dean did announce what criteria he was going to apply, the remaining question regarding the June 1st memorandum is -- was the faculty led to believe that the memo was only a "straw vote" and thus not to be taken seriously? To the extent that belief led to an arguably low vote, I think the concern is irrelevant, since an absolute majority of the faculty did vote for the proposal. To the extent some of the faculty did not think seriously enough about the proposal, there is an issue presented. For several reasons, however, I am not persuaded that the vote was illegitimate. First, the best knowledge we have of the faculty's position is the vote. Second, there is nothing in the dean's memorandum that suggests that the vote is not one that counts. It is true, the dean could have proclaimed that the vote was pursuant to the requirement of the by-laws, but I do not see why the Dean needs to do that. Third, if I am to assume that the faculty vote was neither serious nor honest, I would be making unpleasant assumptions about the faculty. One can assume without ever knowing that the faculty might



have been more sober if a by-law had been invoked in the memorandum; nevertheless, the isolated claims of some of the grievants that they did not believe the ballot was final is not enough to persuade me that the vote did not reflect the faculty's best judgment.

The only evidence as to what criteria the dean employed is the dean's own testimony and the results. The Dean testified that he had used the criteria. As I have already indicated, the results do not establish otherwise. Accordingly, the faculty panel correctly held that the grievants failed to prove that the dean failed to use the appropriate criteria.

The final three points of error assigned by the grievants surround the matter of remedy. Since the dean had not set out in writing the procedures he would follow, and not received majority approval of such procedures, the grievants allege they have been subjected to undue stress, and that they should receive damages (neither punitive in nature nor in lieu of lost income, although they do seek damages which are equal in amount to what they allege they may have lost in wages). It is at this point that the grievants case raises the most difficult issues. This is especially true because some of the grievants allege that they would have presented more data to support their claims of merit if they had known that the dean would not follow the comparatively lower standards applied by the Department and would apply higher standards. This claim of the grievants is one of lack of notice. In response are the following: The dean testified that, over a period of time, he had often and probably at faculty meetings of the Department stated that documentation of merit was important. Moreover, the dean's June 1st memorandum had implicit in it the idea that there would be more competition for the merit money than had been the case within the Department. Else, why the proposed smaller numbers of recipients? If that were true, surely the dean needed to look at everything one had to support a claim of merit. Finally, it is difficult for me to believe that many (possibly, none) of the faculty would not attempt to make the best case possible for raises, especially after the June 1st memo. To the extent faculty chose not to document fully, one must suspect some thought it was not worth the effort, given the possibly smaller amounts that might be won, the low likelihood of winning them, and -- for some -- the distaste for competitive merit awards.

All of this is pointed out not to denigrate the importance of the dean's having procedures; it is pointed out to make clear that the likelihood of significant injury to the particular individuals was slight. At this point, it is important to note that no one has suggested that the dean acted in bad faith or with anything but the best of intentions. As the panel held, he plainly did not have the time to do the job more accurately and completely. With the possible exception of the arguably misleading of some faculty members who did not realize they had to do more than meet the minimums of the Department, I do not see what harm has resulted from the dean's errors. As to that error, as I have already stated, the cause of the harm is at least shared by those "victimized" faculty who did not understand the June 1st memorandum, which implicitly but clearly stated that the same results would not be reached in awarding the school-wide merit increases as had been reached in the Department. Under these circumstances, on balance it would be inappropriate for me to award any damages.

Finally, the grievants allege undue stress. I do not doubt that some of them felt stress. Indeed, some of it may even be attributable to their subjective belief that they have been labeled as "inferior" because they did not get the raises. In my judgment, however, some of the stress, if any, is due to the very process through which they are going. That stress is compensable, if ever, only when the grievants have a meritorious case. In this case, given the apparent (certainly, unchallenged) good faith of the dean, the use of appropriate criteria, the opportunity (albeit ambiguous) to amend their own files, I cannot grant that their stress is "undue" because the dean failed -- due to the lack of adequate time -- to set up appropriate written procedures.

In many ways, the procedural questions raised by the grievants are -- like the underlying substantive issues surrounding all merit increases -- classical. In a technical way, the grievants have shown the dean should have set out procedures and obtained approval for them. The question is, what was lost by the dean's technical failure, how much was excusable, what harm was done, and what should have been the cost of insisting upon literal compliance? In my judgment, the dean did the best he could under difficult circumstances. Indeed, in his awards he even made compromise with those who do not believe in any merit increases. That compromise did not bring peace to the faculty or to him.

#### Award

The appealed grievance is denied.

#### Costs

The University's Grievance Procedure provides:

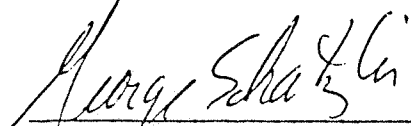
406.40.10 Allocation of Costs. Except for those cases in which the parties agree to make a formal record of transcript and share the costs thereof, all costs of grievance shall be borne by the University. Provided, however, that if a grievant loses at Level I and Level II (Faculty Grievance Panel), the cost of Level II shall be borne equally between the grievant and the University.

The parties asked me if I wished to have a transcript. While I was responding in the affirmative, the grievants' attorney took the position that his clients had not lost at Level II and, therefore, the University was bound to pay for the transcript. He agreed, however, to share the costs of the transcript in order to expedite the matter.

My own judgment is that the grievants did not "lose" at Level II within the meaning of 406.40.10. Their grievance was substantially meritorious. The fact that they prevailed no further in this proceeding does not change the applicability of 406.40.10. The University shall pay the costs of this arbitration, subject to the next paragraph.

The transcript was agreed to by the parties. If they had not submitted it, a new hearing might have been necessary,<sup>3/</sup> although the tapes might have proved to be (unhappily) adequate. I hold that the cost of the transcript should be borne equally by the parties, as 406.40.10 states.

Respectfully submitted,

  
George Schatzki

October 11, 1984

3/ This arbitrator would not have heard the case. The parties knew this.

# EWU

## Memorandum

To: Board of Trustees  
Eastern Washington University  
From: Darren Henke  
Finance Vice President, ASEWU *Henke*  
Date: October 23, 1984  
Subject: A Proposal for ASEWU Funding Requests

Currently, the Associated Students has over \$250,000 in their undesignated reserve account. Given this amount of money and the number of reasonable requests we continue to receive, the student government would like to entertain requests for funds throughout the year. However, as you know this causes some problems for the Trustees, for the student government, and for the organizations requesting for the funds.

Timing is the most important problem that arises. Most of the requests that we receive are for a modest amount and are needed for a specific project or event. Since it takes two weeks for the ASEWU to review and rule on a request, and an additional three to seven weeks to put an item on the Board's agenda, the total time needed to process a budget request is five to nine weeks. By this time, it may be too late to develop the anticipated project or event.

In order to alleviate this problem as well as others (such as burdening the Board agenda with twelve separate \$150 items), we propose that the Board of Trustees:

1. Set aside a separate fund of \$40,000 from our undesignated reserves.
2. Authorize the ASEWU Council to approve budget requests of up to \$3,000 from this fund.

Any request of \$3,000 or more would be brought to the Board of Trustees through the present procedures. Furthermore, at the end of each academic quarter, the student government will submit to the Provost of Student Services a complete record of all appropriations under \$3,000 that were approved during the preceding quarter.

Similar proposals have been approved the past three years, and we believe that this type of proposal provides greater efficiency and flexibility in our operations, as well as relieves the Board from these routine matters.

gc

attachment: 1

UNDESIGNATED FUND

Total Fund Balance at the Beginning of Fiscal Year 1984-85	\$443,428.59
Less: August 28, 1984 pre-payment of 1969 Series B Student Activities Facilities Bond	(53,500.00)
Less: Reserve Commitment	(30,000.00)
Less: Designated Fund Balances	
521 Designated	( 1,122.00)
522 Designated	<u>(91,668.00)</u>
UNDESIGNATED FUND BALANCE	<u>\$267,138.59</u>

JOHN SPELLMAN  
GovernorCARL A. TRENDLER  
Executive Coordinator

STATE OF WASHINGTON

## COUNCIL FOR POSTSECONDARY EDUCATION

908 East Fifth Avenue, EW-11 • Olympia, Washington 98504 • (206) 753-2210 • (SCAN) 234-2210


August 7, 1984

RECEIVED

AUG 10 1984

PRESIDENT'S OFFICE

TO: Donald L. Garrity, Central Washington University  
 George Frederickson, Eastern Washington University  
 Richard N. Schwartz, The Evergreen State College  
 William P. Gerberding, University of Washington  
 Glenn Terrell, Washington State University  
 G. Robert Ross, Western Washington University

FROM: Carl A. Trendler 

SUBJECT: British Columbia Reciprocity

The 1984-85 reciprocity agreement with British Columbia has been approved and will be signed shortly. The agreements provide that Washington residents holding undergraduate visas at University of British Columbia, Simon Fraser University, and University of Victoria shall pay only resident fees. Currently, there are no non-resident fees charged at the graduate level. The number of Washington residents enrolled the previous academic year (both undergraduate and graduate) in the three public universities will be considered in setting a reasonably balanced total number of B. C. students for whom waivers will apply at Washington public four-year institutions.

For the 1984-85 academic year the number of full-time students for whom waivers shall apply are as follows:

Central Washington University	5 full time
Eastern Washington University	10 full time
The Evergreen State College	5 full time
University of Washington	15 full time
Washington State University	15 full time
Western Washington University	25 full time
	<u>75 total</u>

This distribution was based not only on fall, 1983, enrollment patterns but also on the request from British Columbia that opportunities be made available to British Columbia residents in the eastern part of the Province as well as the western.

The terms of the agreement, which will be sent to you when it is signed, encourages institutions to extend first preference to currently enrolled students and does not specify either undergraduate or graduate limitations. It also requests that the CPE send a list of names, home addresses, and programs of study of reciprocity students to the British Columbia Ministry. Please send your policies for the selection of these students to the CPE at your earliest convenience.

State of Washington

48th Legislature

1983 Regular Session

by Senators Goltz, Patterson, Gaspard and Hughes

Read first time on February 2, 1983 and referred to Committee on Education.

1 AN ACT Relating to higher education; and adding new sections to  
2 chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Sec. 1. There is added to chapter 223, Laws of  
5 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as  
6 follows:

7 The state board for community college education and the boards of  
8 trustees of the state's community colleges, The Evergreen State  
9 College, and the regional universities and boards of regents of the  
10 University of Washington and Washington State University shall waive  
11 the payment of nonresident tuition and fees by residents of Idaho.  
12 upon completion of and to the extent permitted by an agreement  
13 between the council for postsecondary education and appropriate  
14 officials and agencies in Idaho granting similar waivers for  
15 residents of the state of Washington.

16 NEW SECTION. Sec. 2. There is added to chapter 223, Laws of  
17 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as  
18 follows:

19 Prior to January 1 of each odd-numbered year, the council for  
20 postsecondary education, in cooperation with the state board for  
21 community college education and in consultation with appropriate  
22 agencies and officials in the state of Idaho, shall determine for the  
23 purposes of section 1 of this act the number of students for whom  
24 nonresident tuition and fees have been waived for the first academic  
25 year of the biennium and the fall term of the second academic year,  
26 and make an estimate of the number of such students for the remainder  
27 of the second academic year, and the difference between the aggregate  
28 amount of tuition and fees that would have been paid to the



1 respective states by residents of the other state had such waivers  
2 not been made, and the aggregate amount of tuition and fees paid by  
3 residents of the other state. Should the council determine that the  
4 state of Idaho has experienced a greater net tuition and fee revenue  
5 loss than institutions in Washington, it shall pay from funds  
6 appropriated for this purpose to the appropriate agency or  
7 institution in Idaho an amount determined by subtracting the net  
8 tuition and fee revenue loss of Washington from the net tuition and  
9 fee revenue loss of Idaho, minus twenty-five thousand dollars for  
10 each year of the biennium if the appropriate officials in the state  
11 of Idaho agree to make similar restitution to the state of Washington  
12 should the net tuition and fee revenue loss in Washington be greater  
13 than that in Idaho.

14 NEW SECTION. Sec. 3. There is added to chapter 223, Laws of  
15 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as  
16 follows:

17 The council for postsecondary education may enter into an  
18 agreement with appropriate officials or agencies in the state of  
19 Idaho to implement sections 1 and 2 of this act. The council shall  
20 review the costs and benefits of any agreement entered into under  
21 section 1 of this act and make recommendations to the legislature on  
22 the continuation or termination of the authorization contained in  
23 this section not later than January, 1987.

24 NEW SECTION. Sec. 4. There is added to chapter 223, Laws of  
25 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as  
26 follows:

27 The boards of trustees of The Evergreen State College and the  
28 regional universities and the boards of regents of the University of  
29 Washington and Washington State University shall waive the payment of  
30 nonresident tuition and fees by residents of the Canadian province of  
31 British Columbia, upon completion of and to the extent permitted by  
32 an agreement between the council for postsecondary education and  
33 appropriate officials and agencies in the Canadian province of  
34 British Columbia providing for enrollment opportunities for residents  
35 of the state of Washington without payment of tuition or fees in

1 excess of those charged to residents of British Columbia.

2 NEW SECTION. Sec. 5. There is added to chapter 223, Laws of  
3 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as  
4 follows:

5 The council for postsecondary education may enter into an  
6 agreement with appropriate officials or agencies in the Canadian  
7 province of British Columbia to implement section 4 of this act. The  
8 agreement should provide for a balanced exchange of enrollment  
9 opportunities, without payment of excess tuition or fees, for  
10 residents of the state of Washington or the Canadian province of  
11 British Columbia. The council also shall review the costs and  
12 benefits of any agreement entered into under section 4 of this act  
13 and make recommendations to the legislature on the continuation or  
14 termination of the authorization contained in this section not later  
15 than January, 1987.



JOHN SPELLMAN  
Governor



CARL A. TRENDLER  
Executive Coordinator

STATE OF WASHINGTON

COUNCIL FOR POSTSECONDARY EDUCATION

908 East Fifth Avenue, EW-11 • Olympia, Washington 98504 • (206) 753-2210 • (SCAN) 234-2210


November 7, 1984

RECEIVED

NOV 14 1984

PRESIDENT'S OFFICE

TO: Donald L. Garrity, Central Washington University  
✓ H. George Frederickson, Eastern Washington University  
Richard N. Schwartz, The Evergreen State College  
William P. Gerberding, University of Washington  
Glenn Terrell, Washington State University  
G. Robert Ross, Western Washington University

FROM: Carl A. Trendler 

SUBJECT: British Columbia Reciprocity

Enclosed are copies of the three agreements between the Council for Postsecondary Education and the British Columbia universities, as referenced in my memorandum of August 7, 1984.

Please let us know if you have any questions concerning these agreements.

cp  
Enclosures

MEMORANDUM OF AGREEMENT

BETWEEN

THE WASHINGTON STATE COUNCIL FOR POSTSECONDARY EDUCATION (CPE)

FOR THE STATE OF WASHINGTON

AND

THE UNIVERSITY OF BRITISH COLUMBIA (UBC)

WHEREAS, it is the objective of both the state of Washington and the Province of British Columbia to provide increased access to educational opportunities for bona fide residents of British Columbia and Washington; and

WHEREAS, Chapter 166, Washington State Laws of 1983, authorizes the Council for Postsecondary Education (CPE) to enter into an agreement with appropriate officials or agencies in the Province of British Columbia to effect a student exchange program that would waive the payment of non-resident tuition and fees for residents of British Columbia and the agreement should provide for a balanced exchange of enrollment opportunities; and

WHEREAS, The University of British Columbia (UBC) has authority to enter into an agreement with the State of Washington; Sec. 27(q) University Act and

WHEREAS, the Board of Governors of the University of British Columbia at its January 19, 1984 board meeting resolved that:

Where reciprocity agreements exist, undergraduate visa students shall pay only residential fees.


Now, therefore, the CPE and UBC mutually agree as follows:

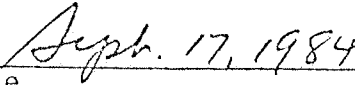
1. The University of British Columbia agrees that students from Washington State shall pay only residential fees.
2. The State of Washington, through the Boards of Trustees of
  - (a) The Evergreen State College
  - (b) Central Washington University
  - (c) Western Washington University
  - (d) Eastern Washington University
  - (e) Washington State University, and the
  - (f) University of Washingtonagrees to waive non-resident tuition and fee charges for British Columbia residents on a full-time three quarter average basis, who qualify for and are enrolled in any program offered by the above institutions. The total number of those for whom this waiver applies will consider and be reasonable in balance with the number of Washington residents who were enrolled in the previous academic year on a full time basis in the three public universities in British Columbia. The CPE may make upward adjustments in the number of waivers to British Columbia students should fall term Washington enrollments in public universities in British Columbia exceed those of the previous academic year.
3. The University of British Columbia agrees to send to CPE and to the Ministry of Universities, Science and Communications by February 1 of each calendar year the name, home address and program of studies of each Washington student enrolled on a full time basis at the university.
4. The CPE agrees to send to the Ministry of Universities, Science and Communications a list of names, home addresses and programs of study of the students enrolled on a full time basis at the

institutions listed in paragraph 1 of this agreement and who qualified for resident fees;

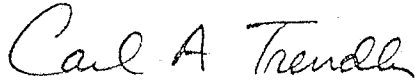
5. The CPE agrees to encourage the institutions named in paragraph 1 to extend first preference under the terms of this agreement to students who are currently enrolled; and to publish the criteria by which British Columbia students will be selected for the waiver of fees; and
6. The CPE will determine in the respective institutions the enrollment levels of British Columbia students eligible for the waiver to ensure a reasonably balanced exchange between British Columbia and Washington and to distribute these students geographically throughout all six Washington public four-year institutions;
7. This agreement shall be effective after midnight, August 15, 1984, and shall continue until June 20, 1985 with the expectation that the review of the 1984-85 activity will be made and the 1985-86 agreement will be concluded by June, 1985.

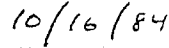
THE UNIVERSITY OF  
BRITISH COLUMBIA

  
\_\_\_\_\_  
K. George Pedersen  
President

  
\_\_\_\_\_  
Date

THE WASHINGTON STATE COUNCIL  
FOR POSTSECONDARY EDUCATION

  
\_\_\_\_\_  
Carl A. Trendler  
Executive Coordinator

  
\_\_\_\_\_  
Date

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE WASHINGTON STATE COUNCIL FOR POSTSECONDARY EDUCATION (CPE)  
FOR THE STATE OF WASHINGTON  
AND  
UNIVERSITY OF VICTORIA (UVIC)

WHEREAS, it is the objective of both the state of Washington and the Province of British Columbia to provide increased access to educational opportunities for bona fide residents of British Columbia and Washington; and

WHEREAS, Chapter 166, Washington State Laws of 1983, authorizes the Council for Postsecondary Education (CPE) to enter into an agreement with appropriate officials or agencies in the Province of British Columbia to effect a student exchange program that would waive the payment of non-resident tuition and fees for residents of British Columbia and the agreement should provide for a balanced exchange of enrollment opportunities; and

WHEREAS, the University of Victoria (UVIC) has authority to enter into an agreement with the State of Washington; Sec. 27(q) University Act and

WHEREAS, the Board of Governors of University of Victoria at its January 23, 1984 board meeting resolved that:

The President is authorized to consider, and where there is demonstrable likelihood that it will prove to be advantageous to British Columbia students, to approve tuition fee reciprocity with foreign jurisdictions where similar exemption to

non-resident or foreign student tuition fees has been or is proposed to be extended to British Columbia students.

Now, therefore, the CPE and UVic mutually agree as follows:

1. The University of Victoria agrees that Washington residents enrolled full time in any of its programs shall be exempted from the visa student fee differential and shall be assessed the same fees as British Columbia residents.

2. The State of Washington, through the Boards of Trustees of

- (a) The Evergreen State College
- (b) Central Washington University
- (c) Western Washington University
- (d) Eastern Washington University
- (e) Washington State University, and the
- (f) University of Washington

agrees to waive non-resident tuition and fee charges for British Columbia residents on a full-time three quarter average basis, who qualify for and are enrolled in any program offered by the above institutions. The total number of those for whom this waiver applies will consider and be reasonable in balance with the number of Washington residents who were enrolled in the previous academic year on a full time basis in the three public universities in British Columbia. The CPE may make upward adjustments in the number of waivers to British Columbia students should fall term Washington enrollments in public universities in British Columbia exceed those of the previous academic year.

3. University of Victoria agrees to send to CPE and to the Ministry of Universities, Science and Communications by February 1 of each calendar year the name, home address and program of studies

MEMORANDUM OF AGREEMENT

BETWEEN

THE WASHINGTON STATE COUNCIL FOR POSTSECONDARY EDUCATION (CPE)

FOR THE STATE OF WASHINGTON

AND

SIMON FRASER UNIVERSITY (SFU)

WHEREAS, it is the objective of both the State of Washington and the Province of British Columbia to provide increased access to educational opportunities for bona fide residents of British Columbia and Washington; and

WHEREAS, Chapter 166, Washington State Laws of 1983, authorizes the Council for Postsecondary Education (CPE) to enter into an agreement with appropriate officials or agencies in the Province of British Columbia to effect a student exchange program that would waive the payment of non-resident tuition and fees for residents of British Columbia and the agreement should provide for a balanced exchange of enrollment opportunities; and

WHEREAS, Simon Fraser University (SFU) has authority to enter into an agreement with the State of Washington; in accordance with Section 27(q), Province of British Columbia University Act and

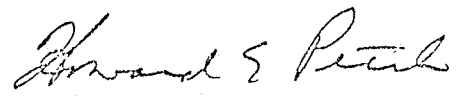
WHEREAS, the Board of Govrnors of Simon Fraser University at its February 28, 1984 board meeting resolved that:

The President is authorized to consider, and where there is demonstrable likelihood that it will prove to be advantageous to British Columbia students, to approve tuition fee reciprocity with foreign jurisdictions where similar exemption to

of each Washington student enrolled on a full time basis at the university.

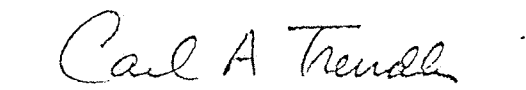
4. The CPE agrees to send to the Ministry of Universities, Science and Communications a list of names, home addresses and programs of study of the students enrolled on a full time basis at the institutions listed in paragraph 2 of this agreement and who qualified for resident fees;
5. The CPE agrees to encourage the institutions named in paragraph 2 to extend first preference under the terms of this agreement to students who are currently enrolled; and to publish the criteria by which British Columbia students will be selected for the waiver of fees; and
6. The CPE will determine in the respective institutions the enrollment levels of British Columbia students eligible for the waiver to ensure a reasonably balanced exchange between British Columbia and Washington and to distribute these students geographically throughout all six Washington public four-year institutions;
7. This agreement shall be effective after midnight, August 15, 1984, and shall continue until June 20, 1985 with the expectation that the review of the 1984-85 activity will be made and the 1985-86 agreement will be concluded by June, 1985.

THE UNIVERSITY OF  
VICTORIA

  
H. E. Petch  
President

11 Sept '84  
Date

THE WASHINGTON STATE COUNCIL  
FOR POSTSECONDARY EDUCATION

  
Carl A. Trendler  
Executive Coordinator

10/16/84  
Date



non-resident or foreign student tuition fees has been or is proposed to be extended to British Columbia students.

Now, therefore, the CPE and SFU mutually agree as follows:

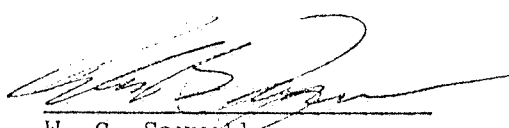
1. The President of Simon Fraser University agrees that Washington residents attending Simon Fraser University as undergraduate students and holding student visas shall pay only residential fees.
2. The State of Washington, through the Boards of Trustees of
  - (a) The Evergreen State College
  - (b) Central Washington University
  - (c) Western Washington University
  - (d) Eastern Washington University
  - (e) Washington State University, and the
  - (f) University of Washingtonagrees to waive non-resident tuition and fee charges for British Columbia residents on a full-time three-quarter average basis, who qualify for and are enrolled in any program offered by the above institutions. The total number of those for whom this waiver applies will consider and be reasonably in balance with the number of Washington residents who were enrolled in the previous academic year on a full time basis in the three public universities in British Columbia. The CPE may make upward adjustments in the number of waivers to British Columbia students should fall term Washington enrollments in public universities in British Columbia exceed those of the previous academic year.
3. Simon Fraser University agrees to send to CPE and to the Ministry of Universities, Science and Communications by February 1 of each calendar year the name, home address and program of studies of each

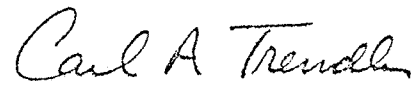
Washington student enrolled on a full time basis in the current academic year at the university.

4. The CPE agrees to send to the Ministry of Universities, Science and Communications a list of names, home addresses and programs of study of the students enrolled on a full time basis in the current academic year at the institutions listed in paragraph 1 of this agreement and who qualified for resident fees;
5. The CPE agrees to encourage the institutions named in paragraph 1 to extend first preference under the terms of this agreement to students who are currently enrolled; and to publish the criteria by which British Columbia students will be selected for the waiver of fees; and
6. The CPE will determine in the respective institutions the enrollment levels of British Columbia students eligible for the waiver to ensure a reasonably balanced exchange between British Columbia and Washington and to distribute these students geographically throughout all six Washington public four-year institutions;
7. This agreement shall be effective after midnight, August 15, 1984, and shall continue until June 20, 1985 with the expectation that the review of the 1984-85 activity will be made and the 1985-86 agreement will be concluded by June, 1985.

SIMON FRASER UNIVERSITY

THE WASHINGTON STATE COUNCIL  
FOR POSTSECONDARY EDUCATION

  
W. G. Saywell  
President

  
Carl A. Trendler  
Executive Coordinator

Oct 1 / 84  
Date

10/16/84  
Date

# Council of Presidents Office

Robert G. Waldo  
Executive Director

October 26, 1984

## CAPITAL OUTLAY BUDGET REQUEST

### PLANNING AND DESIGN FUNDS FOR A TRI-CITIES FACILITY

The Council of Presidents has agreed that the University of Washington will submit a request for \$350,000 for the planning and design of a building to be contiguous with the current Joint Center for Graduate Studies facility. A request for construction funding of approximately \$5,000,000 will be made as part of the 1987-89 capital budget request to build the facility. Together the two integrated facilities will house the Tri-Cities University Center.

The new facility would provide a library and study space, five faculty offices, one administrative office suite, five classrooms and one class-laboratory. This would be sufficient to allow the relocation of existing programs from Columbia Basin Community College to the Joint Center location. No room for expanded enrollments or new programs over the present level is included.

PERSONNEL ACTIONS

November 29, 1984

Academic

1. Appointment

Otto, Theophil M., Assistant Librarian for Public Services with the rank of Librarian III, for the period February 1, 1985 - June 30, 1986. Annual (12-month) salary: \$35,032.

(B.M., University of Wisconsin-Madison; M.S.M., School of Sacred Music, Union Theological Seminary; M.L.S., Indiana University; Ph.D., Southern Illinois University)

2. Leave of Absence (without pay)

Kiver, Eugene P., Professor of Geology, leave of absence (without pay) for Fall Quarter 1984.

3. Retention of Non-Tenured Faculty - 1985-86

Boggs, Russell C., Assistant Professor of Geology  
- Probationary Contract

Brzoska, Michael, Assistant Professor of Technology  
- Probationary Contract

McCollum, Linda B., Assistant Professor of Geology  
- Probationary Contract

# EWU

## Memorandum

To: Jay Rea, Archivist, Kennedy Library

From: Kenneth R. Dolan, Assistant to the President

Date: November 30, 1984

Subject: Grievance Case 83-6

The Board of Trustees approved the attached resolution at the November Board meeting.

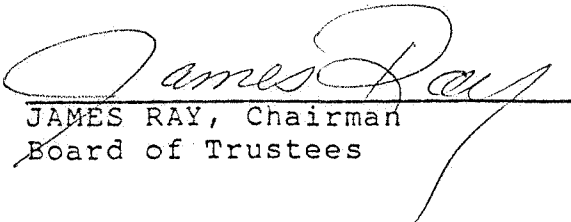
RESOLUTION NO. 84\_\_\_\_\_

WHEREAS the Board of Trustees has received the Hearing Examiner's Recommended Findings and Conclusions in Faculty Grievance case 83-6; and

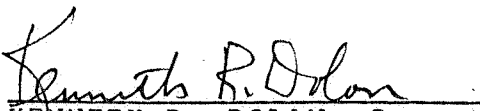
WHEREAS the Board has considered the Hearing Examiner's Recommended Findings and Conclusions as required by Bylaw 406.30.50 and there being no reason to conclude that they are not supported by substantial evidence in the record;

NOW, THEREFORE, BE IT RESOLVED that the Hearing Examiner's Findings and Conclusions recommending denial of the grievants' appeal are hereby accepted and adopted as the final decision of the Board of Trustees in Faculty Grievance case 83-6.

DONE IN OPEN MEETING this 29th day of November, 1984.

  
JAMES RAY, Chairman  
Board of Trustees

Attest:

  
KENNETH R. DOLAN, Secretary  
Board of Trustees