

2-24-1993

## CWU Faculty Senate Minutes - 02/24/1993

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**CENTRAL WASHINGTON UNIVERSITY FACULTY SENATE MEETING - February 24, 1993**

Presiding Officer: Barney Erickson  
Recording Secretary: Sue Tirotta

Meeting was called to order at 3:10 p.m.

ROLL CALL

Senators: All Senators or their Alternates were present except Bagamery, Cummings, Nethery, Perkins and Relan.  
Visitors: Don Schliesman, Pat Davis, Carolyn Wells, Anne Denman, Morris Uebelacker, Walter Arlt, Ken Gamon, Agnes Canedo, Mary Marcy, Connie Roberts, Gerald Stacy, Peggy Steward and Barbara Radke.

CHANGES TO AGENDA

-Add to report of "Chair" nominations to 1993-94 Senate Executive Committee; and a report on recent American Federation of Teachers (AFT) advertisements in The Daily Record  
-Add a report by Provost Don Schliesman  
-Add a report by Director of Governmental Relations Mary Marcy  
-Add a report by Council of Faculty Representatives (CFR) Chair Ken Gamon  
-Add letters from Dean Don Cummings and AFT President Walter Arlt to "Communications"  
-Change effective date of proposed Graduation with Distinction Policy (page 4) from 1992-93 to 1993-94  
-Add to page 2: Home Economics has elected Carolyn Schactler as Senator and Carolyn Thomas as Alternate; Physical Education has elected Vince Nethery as one of its Senators with Robert Gregson as his Alternate, and Walter Arlt as the other Senator with Stephen Jefferies as his Alternate

APPROVAL OF MINUTES

\*MOTION NO. 2889 Jim Ponzetti moved and Owen Pratz seconded a motion to approve the February 3, 1993, Faculty Senate meeting minutes as distributed. Motion passed.

COMMUNICATIONS

-1/29/93 letter from Rosco Tolman, Foreign Languages, regarding phased retirement. Referred to Code Committee.  
-1/29/93 letter from Anne Denman, Anthropology, regarding preemptory withdrawal policy. Referred to Academic Affairs Committee.  
-2/3/93 memo from Senate Personnel Committee regarding proposed Sexual Harassment policy. Referred to Executive Committee, Code Committee and Director of Affirmative Action.  
-2/8/93 memo from Academic Affairs Committee, regarding Graduation with Distinction policy. See March 10, 1993, Faculty Senate agenda.  
-2/16/93 letter from Beverly Heckart, Code Committee Chair, regarding proposed Sexual Harassment policy, merit awards, and Faculty Code hearing. Referred to Executive Committee.  
-2/17/93 letter from Walter Arlt, President of American Federation of Teachers, supporting Senate's motions on campus reorganization and professional leave. Referred to Executive Committee.  
-2/17/93 letter from Walter Arlt, President of American Federation of Teachers, requesting Senate support for enabling legislation for faculty collective bargaining. See Director of Governmental Relations' report below.  
-2/19/93 letter from Don Cummings, Dean of the College of Letters, Arts and Sciences regarding American Federation of Teachers advertisements and restructuring of academic units. See Chair's report below.  
-2/24/93 letter from Don Cummings, Dean of the College of Letters, Arts and Sciences, regarding restructuring of academic units. See Chair's report below.

REPORTS

1. CHAIR  
\*MOTION NO. 2890 Barney Erickson moved and Erlice Killorn seconded a motion to replace Margaret Lewis with Don Cocheba, Economics, on the Senate Budget Committee. Motion passed.

-Election of the 1993-94 Faculty Senate Executive Committee will be held at the March 10, 1993, Faculty Senate meeting per Senate Bylaws section III.A. Nominees include: Dan Ramsdell (History), Vice Chair; Stephanie Stein (Psychology), Secretary; Dave Carns (IET), At-Large Member; Dieter Romboy (Foreign Languages), At-Large Member. Nominations for the position of Senate Chair have not been confirmed.

1. CHAIR, continued

-Chair Erickson reported that the American Federation of Teachers (AFT) last week placed a series of advertisements in The Daily Record. The February 18 ad included the signature of the Faculty Senate Chair but was placed without the knowledge or endorsement of the Faculty Senate Chair or the Faculty Senate Executive Committee. The AFT has apologized to the Senate Chair for the unauthorized use of his signature and resultant misunderstandings that have occurred. Don Cummings, Dean of the College of Letters, Arts and Sciences, wrote letters to Chair Erickson on February 19 and February 24 protesting the AFT advertisements; copies of both letters are available on request from the Senate Office. Chair Erickson asked the Senate for feedback concerning the ads placed by the AFT and whether or not it endorsed or opposed this type of action. Senator Russ Hansen, Law and Justice, commented that the February 19 letter from Dean Cummings to the Senate Chair was inflammatory and designed to cause friction between the AFT and the Faculty Senate, and he recommended that the Senate express no position on the union's acts. He added that the administration has recently used The Observer to release commentary on campus restructuring and professional leaves. Senator Owen Pratz, Psychology, stated that paid advertisements in a community newspaper are an inappropriate approach to resolving internal conflict and improving communication. Senator Jim Ponzetti, Home Economics, criticized the AFT for placing the February 18 ad without notifying the Senate Chair. Senator Charles McGehee, Sociology, stated that the ads have probably harmed the university in the view of the public. Senator Peter Burkholder, Philosophy, commented that the ads were poorly written. Walter Arlt, President of the American Federation of Teachers (AFT), stated that the AFT elected to place the ads in The Daily Record in response to testimony in Olympia by Mary Marcy concerning enabling legislation for collective bargaining.

-Chair Erickson reminded the Senate standing committees to make their written input to the Strategic Planning Committee as quickly as possible.

2. PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

Provost Don Schliesman reported that questions were raised earlier this year regarding Faculty Code sections 11.25 (Layoff Policy) and 11.30 (Financial Exigency - Procedures). Code section 11.30.G.2. states that "Where it is necessary to lay off one or more of the faculty within a particular department, program or unit within a department or program, layoffs will be made in the following order: a. part-time faculty members; b. full-time, non-tenured faculty members in order of seniority; c. full-time tenured faculty members in order of seniority; d. between tenured faculty members with equal seniority, the faculty member who has obtained the highest academic degrees shall have the greatest retention priority." Assistant Attorney General Teresa Kulik has ruled (copies available from the Provost's Office) as follows:

**Question #1:** Does the phrase 'order of seniority for all full-time faculty members...' include the tenure-track and non-tenure track full-time faculty, or just the tenure track faculty?

**Answer:** The obligation to a faculty member is determined by the contractual commitment made to that faculty member as set forth in the individual's 'contract,' which is established by the letter of appointment, renewals, and the terms of the faculty code. The non-tenure track employee and the probationary faculty member have no rights to continued employment beyond the duration of his or her 'contract' period. Most tenure track (probationary) faculty members have annual appointments for the length of their agreed-upon period during which they are seeking tenure. The appointments are annually renewable. If they are not reappointed, they are entitled to receive notice pursuant to the requirements of the faculty code. Since non-tenured faculty members have no right to continued employment beyond the term specified in their appointment letter, it would follow that they would not be included in a seniority list for 'full-time faculty members.' Of course, two seniority lists could be established. The first would contain tenured full-time faculty. This is the list apparently intended by the faculty code, section 11.30, et. seq. The second list could contain probationary full-time faculty members. Faculty members holding non-tenure track, term appointments are employed only for the term of their contract and therefore would not fall into either of the above categories.

Provost Schliesman interpreted this to mean that the order of layoff would then be: a. part-time faculty; b. full-time, temporary faculty; c. full-time, tenure-track faculty; and d. tenured faculty.

2. PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS, continued

Question #2: Do faculty members who have been employed by Central in non-tenure track positions for seven years or more have de facto tenure?

Answer: No. RCW 28B.35.120 sets forth the powers of the Board of Trustees including the authority of the Board to employ faculty. The courts of Washington have consistently held that only the Board of Trustees has the power to grant tenure. One year contracts are just that: a contract for one year. If the contract is renewed, no additional rights are granted to the faculty member.

Provost Schliesman stated that his office is in the process of compiling seniority lists carefully based on Board of Trustees actions. He added that the "strategic planning process" will serve as the university's contingency plan in the event of budgetary reductions. The Provost reported that he has asked the academic Deans to implement Faculty Code section 6.25 concerning establishment of "units." Units were last established in 1982 and approved by the Faculty Senate Executive Committee, the Provost and the President; the 1982 seniority and unit lists have been forwarded to the Deans for their information. Senators pointed out that exceptions and appeals should be expected, and the Provost concurred that cross-checking the accuracy of the lists at the department level will be necessary. Walter Arlt, PE (AFT), requested that the Provost ask AAG Kulik about the implications of the administration's violation of Faculty Code section 11.30.G.1.c. which states that review of units must be completed and faculty notified of their units and seniority status by November 1 of each academic year, and the Provost agreed to do so.

3. PRESIDENT

President Ivory Nelson reiterated that budget planning is an integral part of the strategic planning process, and each unit has been asked how it would deal with a theoretical 10% budget cut. He acknowledged the faculty's concern and frustration regarding an uncertain future and stated that the Strategic Plan should help bring rationality and civility to difficult decision making processes.

The President thanked the faculty for their participation in the February 23 budget hearings held in Yakima. He reported that although higher education budget reductions on the order of 5-8% seem inevitable, legislators are reluctant to limit student access. The President has explained to legislators that budget reductions that lead to cuts in faculty and staff would necessarily translate to fewer students served by Central. He added that C.W.U.'s reputation in Olympia is good, and it is likely that the university will be treated fairly and not be singled out for any disproportionate cuts.

Central's Diversity Plan is complete and will be forwarded to the Higher Education Coordinating (HEC) Board.

Dr. Thomas Moore has been selected as Central's new Provost and Vice President for Academic Affairs. The President encouraged the Senate to make the new Provost a regular member of the Faculty Senate.

President Nelson reminded the Senate to send comments and suggestions to the Strategic Planning Committee, and he stressed the importance of keeping communication on all issues open and flowing.

Department heads, directors, deans and vice presidents will be required to attend educational workshops on Sexual Harassment scheduled for March 11 and 12.

4. DIRECTOR OF GOVERNMENTAL RELATIONS

Director of Governmental Relations Mary Marcy distributed a legislative briefing and update. Dr. Marcy remarked that Central's turnout at the February 23 Yakima budget hearings was positive, and she suggested follow-up letters concerning the budget be sent to legislative committees. Governor Lowry is planning to introduce his budget proposal at the end of March, and Senator Nita Rinehart (Chair, Ways and Means Committee) and Representative Gary Locke (Chair, House Appropriations Committee) are likely to introduce similar budgets at around the same time. If no revenue increases are put into effect, higher education as a whole will almost inevitably face 12%-16% cuts; identification of new revenue sources would still translate to a 0-12% cut. It is possible that some enhancement programs, such as new FTEs, will be granted to institutions at the same time that those institutions receive significant efficiency cuts.

The Senate Democratic Caucus last week postulated budget reductions of \$275 million for higher education, \$275 million for K-12 education, and \$275 million for

4. DIRECTOR OF GOVERNMENTAL RELATIONS, continued  
social services. Dr. Marcy explained that the percentage reduction for higher education under this scenario would be much higher than for K-12 or social services and would be both "devastating" and "inequitable."

HB 1005 (SB 5269) Students on Governing Boards: This legislation would place one full-time undergraduate student on the governing boards of the regional universities and The Evergreen State College (TESC); one undergraduate and one graduate student on the governing boards of the University of Washington (UW) and Washington State University (WSU). It passed the House earlier this week by a vote of 82-12. No action has been taken in the Senate at this time.

HB 1094 Higher Education Courses in Sequence: Representative Quall is concerned that students at public institutions are often not finishing their undergraduate education in four years, sometimes due to unavailability of classes. This legislation would allow students to contract with institutions to ensure that they are able to take courses in sequence when needed in order to finish in four years. Both students (the Washington Student Lobby) and the administrations of the universities are concerned about this bill and are attempting to modify it so it does not unnecessarily punish either students or universities.

SIICR 4408 Master Plan for Higher Education (HECB): The Higher Education Coordinating (HEC) Board's Master Plan for Higher Education was unanimously voted out of committee last week. Central got an amendment attached to the Resolution which calls for a review of funding procedures for higher education. The current system funds on an FTE basis; this study will consider whether programmatic or upper and lower division funding would be more equitable.

HB 1603 New College Promise: Representative Ken Jacobsen has again introduced a bill which would make financial aid available to more students and would allow institutions to keep tuition revenues on campus rather than putting this money in the state general fund. The bill would offer many advantages to the campuses, but has some problems in the way it is currently written. One issue of concern is that tuition is tripled for students who have over 240 credits but have not yet attained a bachelor's degree. Another section of the bill gives the HEC Board allocation authority over revenues which may be left at the end of a fiscal year. We are hoping to amend both of these areas of the bill.

HSB 1468 Collective Bargaining/Higher Education: This bill is enabling legislation which does not require faculty at higher education institutions to form collective bargaining groups but does allow for such activity. The bill was moved out of committee last Wednesday by a party line vote of 7-3 (Democrats for; Republicans, including Gary Chandler, against). Central has been given a one-year exemption (until October 1994) from the bill as it is currently written.

Dr. Marcy reported that she testified in opposition to HSB 1468 before the House Commerce and Labor Committee. She reported that all but one of the higher education administrations testified against HSB 1468 for two general philosophical reasons: 1) it would tend to cause more litigation, and 2) it would tend to foster an adversarial climate. She stressed that HSB 1468 is enabling, rather than mandatory, legislation. Dr. Marcy reported that she was the only representative from Central to testify regarding the bill (although Dr. Ken Gamon testified in support of the bill on behalf of the Council of Faculty Representatives), and detailed the contents of her testimony as follows:

I testified either fourth or fifth, after all of the other administrative folks had, and they pretty much raised concerns about specific details of the bill and concerns about some of the philosophical questions. And I didn't feel that I needed to repeat what they had been talking about. I said we shared some of the philosophical concerns and felt that we had a case study at Central. And I said that right now we have a relatively new President, we'll have a new Provost within the next few months, we have anywhere from two to four new members of the Board of Trustees, a couple of new vice presidents, and we're in transition. And if there was any time when we need to work together, it was now. That was my whole testimony, because all the other issues had been covered. What happened after that was that the chair of the committee called me that evening and asked me to come into his office

4. DIRECTOR OF GOVERNMENTAL RELATIONS, continued  
the next day. And I went in, and he said 'I heard your testimony. I want to see things go well at Central.' He's met with a lot of different folks at Central, and he's genuinely concerned I think. That's Mike Heavey, and he's from Seattle, but he has worked and been on the side of Central a lot in the past. And he said 'What if I give you a one or two year exemption?' That seemed like a pretty easy question to me because I had testified in opposition to the bill. It was pretty clear the bill was going to pass. And when the chair of the committee who sponsored the bill said, 'How do you feel about an exemption for a year or two to help get things sorted out a little bit more?', I said 'That sounds great, Mike.' And that's what happened. The bill had some changes from the original one aside from that change, but what it meant was that the substitute bill has included in it a one year exemption until October 1, 1994, for Central.

Dr. Marcy reported that, since the bill would have a fiscal impact, it is likely to be referred to the House Appropriations Committee next. In response to questions regarding the one year exemption, Dr. Marcy replied that since organization for collective bargaining is a lengthy process, the one year exemption should not significantly affect Central's faculty if the bill is passed. She stated that she recognized the division between faculty and administration regarding this issue and identified herself to the committee before testimony as speaking "for the administration of C.W.U." rather than for the entire university community. President Nelson emphasized that it is not uncommon for elements of the university to disagree in their positions on various issues, but "we can agree to disagree, and we do it civilly."

In response to questions from American Federation of Teachers (AFT) President Walter Arlt, Dr. Marcy clarified that Vice President Courtney Jones did not testify before the committee; she did not make a statement to the committee regarding how shared governance is working at Central; and although the UW and WSU asked that the research institutions be removed from the bill, Central did not request that it be removed from the bill. Senators pointed out that Central's faculty is at a disadvantage in Olympia this year because the Senate has not been successful in recruiting a Faculty Legislative Representative.

President Nelson stated that he opposes enabling legislation for collective bargaining because the state controls university salaries and benefits, the faculty controls the curriculum and academic policy of the university, and only working conditions are left as a bargaining point. He remarked that the Board of Trustees has not taken a position on collective bargaining. Senators stated that "working conditions" are very important to the faculty and cited the recent incident of curtailment of professional leaves as an example of an instance in which the faculty did not feel fairly treated by the administration. Senators emphasized that other state employees now enjoy a right denied to higher education faculty and added that exempting Central from the legislation on the basis of its new administrators was unfair in light of similar administrative changes taking place at other state institutions.

\*MOTION NO. 2891 Erlice Killorn moved and Russell Hansen seconded a motion that the Faculty Senate of Central Washington University supports enabling legislation for collective bargaining by faculty of four year institutions of higher education in the State of Washington, such enabling legislation to become effective for all of the four year institutions immediately upon its passage into law. The Senate Chair is instructed to send this resolution to appropriate legislative committees [House Appropriations, Commerce and Labor, and Higher Education Committees; Senate Higher Education, Labor and Commerce, and Ways and Means Committees].

Chair Erickson read from the Senate's Operating Procedures: "As a general rule, substantive committee motions that do not accompany the agenda will not be discussed and voted on until a subsequent meeting." He asked the Senate if it had any objection to suspending its Operating Procedures by consensus and proceeding with discussion on the motion; there were no objections. Senators expressed concern that they had not had time to poll their peers for a vote on this motion. They were reminded that this bill might move very quickly through the legislature, that according to Faculty Code section 3.15.D. "Individual faculty senators are the uninstructed representatives of their constituents," and Central's faculty has historically supported enabling legislation for collective bargaining since 1972.

Vote was held on MOTION NO. 2891. Motion passed unanimously.

**CENTRAL WASHINGTON UNIVERSITY FACULTY SENATE MEETING - February 24, 1993**

5. COUNCIL OF FACULTY REPRESENTATIVES (CFR)

Council of Faculty Representatives Chair Ken Gamon reported that he testified for CFR before the House Commerce and Labor Committee in support of HSB 1468. He corroborated Dr. Marcy's statement that Mike Heavey intended to benefit Central by exempting the university from collective bargaining for a year, but Dr. Gamon objected to the inappropriate singling out of one institution for such an exemption.

He reported that bills concerning hazing, health reform, and university tuition are also being considered by the legislature, and stated that it is unlikely that a bill for higher education salary increases will be approved this biennium. CFR supports the proposed "Management Flexibility Act," which would allow universities to bid out more contracts, retain tuition revenues, and opt to exempt civil service employees from the Higher Education Personnel Board. He commented that HB 1603 (New College Promise) was intended by Representative Jacobsen to discourage "professional students" but raises several other unresolved concerns. CFR also opposes as inefficient a "Negative Check-off" bill that would increase costs per student and reduce paperwork handling by automated systems. CFR is tracking several K-12 education bills that would ultimately affect higher education. Many concerns are raised by two bills regarding "Higher Education Course Sequencing," especially concerning how transfer students from community colleges would fit into such a system.

Dr. Gamon remarked that, even though he clearly states it before testimony, it is sometimes difficult for legislative committee members to understand that he testifies on behalf of CFR rather than as a faculty member of C.W.U.

ADJOURNMENT

\*MOTION NO. 2892 Owen Pratz moved and Erlice Killorn seconded a motion to adjourn the meeting. Motion passed. Meeting adjourned at 5:00 p.m.

\* \* \* \* \* NEXT REGULAR FACULTY SENATE MEETING: March 10, 1993 \* \* \* \* \*



**FACULTY SENATE REGULAR MEETING**  
**3:10 p.m., Wednesday, February 24, 1993**  
**SUB 204-205**

- I. ROLL CALL**
- II. CHANGES TO AGENDA**
- III. APPROVAL OF MINUTES - February 3, 1993**

**IV. COMMUNICATIONS**

- 1/29/93 letter from Rosco Tolman, Foreign Languages, re. phased retirement. Referred to Code Committee.
- 1/29/93 letter from Anne Denman, Anthropology, re. preemptory withdrawal policy. Referred to Academic Affairs Committee.
- 2/3/93 memo from Senate Personnel Committee re. proposed Sexual Harassment policy. Referred to Executive Committee, Code Committee and Director of Affirmative Action.
- 2/8/93 memo from Academic Affairs Committee, re. Graduation with Distinction policy. See Academic Affairs Committee report below.
- 2/16/93 letter from Beverly Heckart, Code Committee Chair, re. proposed Sexual Harassment policy, merit awards, and Faculty Code hearing. Referred to Executive Committee.

**V. REPORTS**

- 1. **CHAIR**
  - MOTION:** Replace Margaret Lewis with Don Cocheba, Economics, on Senate Budget Committee.
  - NOMINATIONS:** 1993-94 Senate Executive Committee
- 2. **PRESIDENT**
- 3. **ACADEMIC AFFAIRS COMMITTEE**
  - Graduation with Distinction Policy (see attached motion)
- 4. **BUDGET COMMITTEE**
  - Faculty Survey regarding the Budget Process
- 5. **CODE COMMITTEE**
  - NOTE: Faculty Code Hearing: 3:00 p.m., Wednesday, April 14, SUB 204-205
- 6. **CURRICULUM COMMITTEE**
- 7. **PERSONNEL COMMITTEE**
- 8. **PUBLIC AFFAIRS COMMITTEE**

- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
- VIII. ADJOURNMENT**

**\*\*\* NEXT REGULAR FACULTY SENATE MEETING: March 10, 1993 \*\*\***



**CHAIR**

Elections for the 1993-94 Faculty Senate Executive Committee will be held at the last Senate meeting of Winter quarter (March 10, 1993), per Senate Bylaws section III.A. Current Executive Committee membership is:

Barney Erickson, Math - **CHAIR**  
 Alan Taylor, Communication - **VICE CHAIR**  
 Erlice Killorn, PE - **SECRETARY**

Jim Ponzetti, Home Economics - **AT LARGE**  
 Don Ringe, Geology - **AT LARGE**  
 Charles McGehee, Sociology - **PAST CHAIR**

Nominations from the floor for Chair, Vice Chair, Secretary and the two At Large positions will be entertained at the February 24, 1993 Faculty Senate meeting. Please refer to the partial roster below; deadline for department elections is February 15 --- names of more prospective candidates will be available at the next Senate meeting. Before making a nomination, please contact your candidate and ascertain that he or she would be willing and able to serve if elected. NOTE: The Faculty Senate Chair receives 50% released time from departmental duties.

**1993-94 FACULTY SENATE ROSTER**

<b>Department</b>	<b>Senator</b>		
Accounting	Deborah Medlar	History	Dan Ramsdell
Anthropology		Home Economics	*** OPEN POSITION ***
Art	Ken Cory	IET	David Carns
Biology	Thomas Thelen	Law and Justice	Russell Hansen
Business Admin	Bruce Bagamery	Library	Thomas Yeh
	*** OPEN POSITION ***		*** OPEN POSITION ***
BEAM	Rob Perkins	Mathematics	Barney Erickson
Chemistry	*** OPEN POSITION ***	Music	Sidney Nesselroad
Communication	Alan Taylor		Eric Roth
Computer Science	Barry Donahue	Philosophy	Peter Burkholder
Economics	Robert Carbaugh	Physical Education	*** OPEN POSITION ***
Education	Minerva Caples		*** OPEN POSITION ***
	Andrea Bowman	Physics	Sharon Rosell
	Linda Beath	Political Science	Rex Wirth
English	Bobby Cummings	Psychology	Stephanie Stein
	Steve Olson		Lisa Weyandt
Foreign Language	Dieter Romboy	Sociology	Charles McGehee
Geography	Ken Hammond	Theatre Arts	Mark Zetterberg
Geology	Don Ringe		

\* \* \* \* \*

**ACADEMIC AFFAIRS COMMITTEE**

**GRADUATION WITH DISTINCTION POLICY**

**HISTORY:**

A change in the Graduation with Distinction Policy was proposed by the Undergraduate Council on April 8, 1992. The proposed changes were reviewed by the 1991-92 Academic Affairs Committee and brought to the Senate on June 3, 1992. Faculty Senate MOTIONS 2861A and 2861B were returned to the Academic Affairs Committee by the Faculty Senate

ACADEMIC AFFAIRS COMMITTEE, continued  
GRADUATION WITH DISTINCTION POLICY, continued

\*MOTION NO. 2861A Andrea Bowman moved a change to the Graduation with Distinction Policy (1991/93 University Catalog; pg. 35-36), as recommended by the Undergraduate Council:  
~~Only credits earned at Central Washington University will be considered in determining eligibility for graduation with distinction.~~ Honors shall be based on the GPA of all credits earned at Central or transferred from accredited institutions.

\*MOTION NO. 2862 Barry Donahue moved and Erlice Killorn seconded a motion to return MOTION NO. 2861A to the Academic Affairs Committee for further consideration of all options to and implications of the motion, with special consideration given to the use of percentages within a graduating class rather than GPA's in determination of honors. Motion passed.

\* \* \* \* \*

\*MOTION NO. 2861B Andrea Bowman moved a change to the Graduation with Distinction Policy (1991/93 University Catalog; pg. 35-36), as recommended by the Undergraduate Council:  
At least ~~one-half (90)~~ seventy-five (75) of the credits required for the degree must be taken at Central Washington University with a minimum of 60 credits earned in courses taken on the A-F graded basis. Credits earned by course challenge, military experiences or courses, non-college courses and industrial experience will not be allowed toward the ~~90~~ seventy-five (75) credits required for eligibility.

\*MOTION NO. 2863 Owen Pratz moved and Jim Ponzetti seconded a motion to return MOTION NO. 2861B to the Academic Affairs Committee for further consideration of all options to and implications of the motion, with special consideration given to the use of percentages within a graduating class rather than GPA's in determination of honors. Motion passed.

GRADUATION WITH DISTINCTION POLICY (1991-93 catalog, including proposed changes in MOTIONS 2861A and 2861B)

Baccalaureate honors are awarded to recipients of a first bachelor's degree according to the following standards:

- 3.4 to 3.59 - cum laude
- 3.6 to 3.79 - magna cum laude
- 3.8 to 4.00 - summa cum laude

Other distinctions:

- 3.95 to 4.00 - President's Scholars
- 3.60 to 3.94 - Dean's Scholars

The following conditions must be met by all students to be considered for graduation with distinction:

- At least ~~one-half (90)~~ seventy-five (75) of the credits required for the degree must be taken at Central Washington University with a minimum of 60 credits earned in courses taken on the A-F graded basis.
- Credits earned by course challenge, military experiences or courses, non-college courses and industrial experience will not be allowed toward the ~~90~~ seventy-five (75) credits required for eligibility.



ACADEMIC AFFAIRS COMMITTEE, continued  
GRADUATION WITH DISTINCTION POLICY, continued

- ~~Only credits earned at Central Washington University will be considered in determining eligibility for graduation with distinction.~~ Honors shall be based on the GPA of all credits earned at Central or transferred from accredited institutions.

[POLICY CHANGE EFFECTIVE 1992-93 ACADEMIC YEAR]

RATIONALE: [2/8/93 memo from Academic Affairs Committee]

The Academic Affairs Committee has reconsidered the topic of Graduation with Distinction from Central Washington University, as directed by Faculty Senate Motions 2862 and 2863, of June 3, 1992. The committee reexamined the proposed policy change which was recommended by the Undergraduate Council on January 28, 1992, and was described, with a detailed and extensive rationale, in a letter of April 8, 1992, to Charles McGehee, then Faculty Senate Chair, from Connie Roberts, then Vice Provost and Dean of Undergraduate Studies.

After lengthy discussion, including review of Senate Minutes and related correspondence, the committee decided to endorse fully the proposed policy change described in Dr. Roberts' letter. Therefore, we accept the concept of including credits transferred from accredited institutions, along with credits earned at Central, as a basis for Graduation with Distinction. This would put all Central students on a part in this regard, and would eliminate inequity.

The committee also accepts the concept of requiring that 75 credits (rather than the current 90) be earned at Central. This change would go far toward eliminating an inconvenience which some transfer students may currently have. Yet it would preserve some (though by no means all) of the force of the principles that Graduation with Distinction from Central does imply completion of a substantial body of work at Central in order to ensure that Central's faculty have adequate opportunity to become familiar with the student's work. The committee believes that requiring 75 credits of work at Central, rather than 90, is a fair compromise between these two competing considerations.

The Academic Affairs Committee was also asked to consider "the use of percentages within a graduating class rather than GPA's in determination of honors." This topic was discussed by the committee, and our conclusion was that, within the scope of current sparse information about grading practices and grade distribution at Central -- e.g., to what extent competency-based grading is replacing competitive grading, we could find no advantage, at least for now, in switching to percentages rather than retaining GPA standards in determination of honors.

The Academic Affairs Committee therefore makes the following motions:

MOTION #1: Remove MOTION NO. 2861A (6/3/92) from the table for consideration by the Senate.

MOTION #2: Remove MOTION NO. 2861B (6/3/92) from the table for consideration by the Senate.

CHANGES TO AGENDA

- 1) Add under the Chair's Report:
  - Nominations for the 1993-94 Senate Executive Committee: **CHAIR: Unconfirmed at this point. Dan Ramsdell (History), Vice Chair; Stephanie Stein (Psychology), Secretary; Dave Cams (IET), At-Large Member; Dieter Romboy (Foreign Languages), At-Large Member; Barney Erickson (Math) or Charles McGehee (Sociology), Past Chair.**
  - a report on recent American Federation of Teachers advertisements in The Daily Record.
  - a report by Provost Don Schliesman on the Assistant Attorney General's ruling on order of seniority and de facto tenure.
- 2) Add after the President's Report: a report by Director of Governmental Relations Mary Marcy.
- 3) Add after Mary Marcy's Report: a report by Council of Faculty Representatives Chair Ken Gamon.
- 4) Change on page 4 of the agenda, under Academic Affairs Committee motion on the Graduation with Distinction Policy; this policy change would become effective for the 1993-94, rather than 1992-93, academic year.
- 5) Changes on page 2 of the agenda:
  - HOME ECONOMICS has elected **Carolyn Schactler** as Senator and **Carolyn Thomas** as Alternate.
  - PHYSICAL EDUCATION has elected **Vince Nethery** as one of its Senators, with **Robert Gregson** as his Alternate; **Walter Art** has been elected to the other Senate position, with **Stephen Jefferies** as his Alternate.

\*\*\*\*\*

DIRECTLY AFTER MARY MARCY'S REPORT:

**MOTION: The Faculty Senate of Central Washington University supports enabling legislation for collective bargaining by faculty of four year institutions of higher education in the State of Washington, such enabling legislation to become effective for all of the four year institutions immediately upon its passage into law.**

- The Faculty Senate's Operating Procedures state that:  
"As a general rule, substantive committee motions that do not accompany the agenda will not be discussed and voted on until a subsequent meeting."
- Does the Senate have any objection to suspending its Operating Procedures in order to consider this motion? [If there IS an objection, call on Charlie McGehee as Parliamentarian to explain Robert's Rules re. a vote to suspend the rules.]
- Is there a second to the motion?
- Is there discussion on the motion?

Bruce BAGAMERY  
 Linda BEATH  
 Andrea BOWMAN  
 John BRANGWIN  
 Peter BURKHOLDER  
 Robert CARBAUGH  
 David CARNs  
 Ken CORY  
 Bobby CUMMINGS  
 Barry DONAHUE  
 Barney ERICKSON  
 Ed GOLDEN  
 Ken HAMMOND  
 Russ HANSEN  
 Kris HENRY  
 Erlice KILLORN  
 Charles MCGEHEE  
 Deborah MEDLAR  
 Ivory NELSON  
 Sidney NESSELROAD  
 Vince NETHERY  
 Steve OLSON  
 Patrick OWENS  
 Rob PERKINS  
 Jim PONZETTI  
 Owen PRATZ  
 Dan RAMSDELL  
 Anju RELAN  
 Don RINGE  
 Dieter ROMBOY  
 Sharon ROSELL  
 Eric ROTH  
 Stephanie STEIN  
 Alan TAYLOR  
 Thomas THELEN  
 Rex WIRTH  
 Thomas YEH  
 Mark ZETTERBERG

Hugh SPALL  
 Dan FENNERTY  
 Madalon LALLEY  
 John UTZINGER  
 David HEDRICK  
 Walt KAMINSKI  
 Margaret SAHLSTRAND  
 George TOWN  
 Ken GAMON  
 Connie NOTT  
 Morris UEBELACKER  
 Michael OLIVERO  
 Patricia MAGUIRE  
 David KAUFMAN  
 Gary HEESACKER  
 Don SCHLIESMAN  
 Andrew SPENCER  
 Stephen JEFFERIES  
 Cathy BERTELSON  
 Ethan BERGMAN  
 Jim GREEN  
 Beverly HECKART  
 Sylvia SEVERN  
 Robert BENTLEY  
 Stella MORENO  
 Roger YU  
 Geoffrey BOERS  
 Stephen SCHEPMAN  
 Robert GARRETT  
 John CARR  
 *Brown*  
 Jerry HOGAN  
 Wesley VAN TASSEL

February 24, 1993

Date

**VISITOR SIGN-IN SHEET**

*Don Adkins*  
*Pat Davis*  
*Carolyn Wells*  
*Anne Denman* Anthropology  
*Morris J. Uehleke* GEOGRAPHY  
*Jack Alt* CAA- ST  
*Ken Danon* CFR Chair  
*Cynthia Canold*  
*Mary Mary*  
*Colene Roberts*  
*Geuld Stacy* Head Dean  
*Peggy Steward* University Relations  
*Barbara Radke* U. Relations + Dnlpment

Please sign your name and return sheet to Faculty Senate secretary directly after the meeting. Thank you.



Central  
Washington  
University



Department of Foreign Languages  
Language and Literature Building 1025  
Ellensburg, Washington 98926-7500  
(509) 963-1218

RECEIVED

FEB 1 1993

CWU FACULTY SENATE

Jan. 29, 1993

Barney Erickson, Chairman  
Faculty Senate  
Campus

Dear Barney:

It seems to me that there needs to be some discussion in the Faculty Senate regarding the current situation with phased retirement.

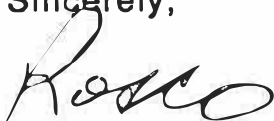
If my memory is not totally deserting me, the intention was, when phased retirement was originally proposed and approved, that it would allow the faculty member the advantage of continuing to teach on a part-time basis and at the same time would also be advantageous to the department and the university, since the 60% salary savings, usually of a rather well-paid full Professor, would provide sufficient money to hire a new tenure-track Assistant Professor. Thus, during the period of phased retirement, we would have the best of both worlds, the part-time services of the retired colleague along with the new full-time, and supposedly energetic and eager new person.

Apparently this situation has changed. We are now informed that a phased retirement does in fact not create a vacancy, the implications of which are very serious. A phased retiree could elect to teach as little as one course a year, an option in fact chosen by a member of my own department for next year, which means that we trade a full-time position for one course, with no replacement. Imagine the impact if two or more faculty teaching in the same area should choose this option. Even if we were allowed to employ temporary replacements the impact on the program would be very negative.

JB

The Faculty Code states that a phased retiree must become fully retired at age 70. Will this still be the case after this year, when there will be no mandatory retirement age? It would seem unlikely. If not, a department could have any number of individuals on phased retirement and fewer and fewer full-time permanent positions. I believe the implications of this are serious and should be looked at by the Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosco". The signature is written in a cursive, flowing style.

Rosco N. Tolman, Chairman

Central  
Washington  
University



Department of Anthropology  
and Museum

Farrell Hall, Rm. 309  
Ellensburg, Washington 98926

(509) 963-3201

January 29, 1993

RECEIVED

FEB 4 1993

CWU FACULTY SENATE

Dr. Barney Erickson, Chair  
Faculty Senate  
Campus

Dear Barney,

Our department would like to ask the Senate to consider recommending a possible change in the preemptory withdrawal policy, based on the trial experience with it. We feel that withdrawals affecting upper division classes should be more limited, either by eliminating preemptory withdrawals for junior or seniors entirely (they could of course still withdraw by permission), or by eliminating preemptory withdrawals from 300, 400 and 500 classes. We prefer the first option.

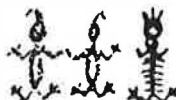
We have experienced the following situation in two classes now: enrollment in an upper division class was strictly limited by the seminar format of the class, and several qualified students did not gain entry. One of the students exercised a preemptory withdrawal after add-drop thereby depriving another potential enrollee of the chance to enroll in one of the limited number of advanced courses offered. In this situation, we feel the student should at least have to discuss withdrawal with the instructor; it is not unreasonable to expect that he or she would thus be made aware of its impact on other students and the class as a whole.

Thanks for considering this recommendation. Please let me know when it comes up for consideration.

Sincerely,

Anne S. Denman  
Chair

cc: Deans Pappas, Cummings



Central  
Washington  
University



Department of Psychology  
Ellensburg, Washington 98926  
(509) 963-2381

February 3, 1993

RECEIVED

FEB 5 1993

CWU FACULTY SENATE

To: Barney Erickson, Chair  
Faculty Senate

From: Senate Personnel Committee,  
Libby Street, Chair *Libby*

Re: Sexual Harassment Policy

Our committee has considered the charge from the Senate Executive Committee to develop a code modification regarding sexual harassment. This letter describes the current status of sexual harassment policies at Central Washington University, our findings regarding policies at other universities, and our recommendation for Central.

Currently the Code does not address sexual harassment, though both the April, 1992 Faculty Handbook and the General University Policies and Organization Manual do. The statement in the Faculty Handbook is on page 55 and recommends that faculty familiarize themselves with the university policy though the location of such a policy is not provided.

The General University Policies and Organization Manual devotes approximately one page to the definition and policy related to sexual harassment (as separate from sexual discrimination) and then recommends the general Affirmative Action Grievance Procedure as the procedural steps to be taken in case of informal and formal sexual harassment complaints. This information can be found in the General University Policies and Organization Manual in Part 2-2.2, page 22-23 (the policy statement) and from pages 24-29 (the Affirmative Action Grievance Procedure.)

Blaine Wilson, a member of our committee, obtained the sexual harassment policies of other state universities in Washington for purposes of comparison with our own policy. Typically, we found that other universities 1) had specific procedures related to sexual harassment that accompanied the policy statement; and 2) provided clearer procedural guidelines particularly related to procedural safeguards and due process.

We are recommending a policy that is somewhat parallel to those of other state universities. It is attached. It differs from our current policy and procedures in six primary ways:

- 1) The definition is expanded and includes examples of sexual harassment;
- 2) advice to persons in power about maintaining professional relationships with students and supervisees is added;
- 3) advice to complainants about the role of accurate documentation in the case of perceived harassment is added;
- 4) responsibility for hearing and responding to formal complaints is shifted from the Office of Affirmative Action to the Provost or Vice President for Business Affairs and a shift away from such matters being handled at "the lowest possible level" is proposed;
- 5) protection and advocacy clauses for the complainant are added; and
- 6) protection and advocacy clauses for the respondent are added.

JD

You will notice that we have not addressed what the recommended action should be if an employee is found to have engaged in sexual harassment. There was a general belief that there should be a series of increasing stiff sanctions and that what the investigation reveals about both the "pattern" of behavior and the "seriousness" of the behavior should dictate the sanction that will be recommended. The code dictates how disciplinary action shall be taken for faculty and the options available (10.20). Dismissal for cause could be recommended in some cases particularly related to 10.25 E, G, or J as I understand them. These and corresponding regulations for non-academic employees might be mentioned in a section 5 under the complaint procedures.

We're not sure where to go from here. The policy is worded in such a way that it could stand alone as a general university policy if the administration and board were so inclined. Then the Faculty Code could simply cite the General University Policies and Organization Manual. Another possibility is that the wording could be altered to refer only to faculty as respondents and the policy/procedure could go into Code. However, this would produce an inconsistency in policy/procedure between the Code and the current Policies and Organization Manual. We assume the latter would be the more binding set of procedures. In either case, either the Code Committee or the our AG should look at our suggestions with an eye toward more appropriately legal wording.

We've sent a copy of this policy recommendation to you and to the Code Committee. Further, we're scheduled to meet with the Code Committee on February 12. You had suggested that we might also meet with the Dean's Council about this matter, either on February 8 when we are scheduled to talk to them about merit or at some other date. If time permits, we can answer any questions you or the executive committee might have about our recommendations when we meet with you on February 17. In any event, it seems we cannot proceed further until we hear from you.

pc: Beverly Heckert, Chair  
Code Committee

Personnel Committee Members

*February 3, 1993*

**SEXUAL HARASSMENT POLICY AND PROCEDURES  
CENTRAL WASHINGTON UNIVERSITY**

**(Recommendation from the Senate Personnel Committee)**

**PURPOSE**

Central Washington University strives to provide an environment in which people can work and study in a climate of mutual respect, free from sexual harassment, intimidation or exploitation. All students, staff, and faculty should be aware that the University is committed to such a goal and is prepared to act quickly and fairly to prevent and eliminate such behavior. Individuals who engage in sexual harassment will be subject to sanctions, including dismissal.

**DEFINITION**

Sexual harassment occurs in a context of unequal power or influence and is a form of sexual discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment shall be judged to occur when an individual in an institutional position of power or authority over another person

--uses such power either implicitly or explicitly to promise, grant, or withhold grades, evaluations, or other academic or supervisory rewards in order to coerce a person into a sexual relationship;  
--or subjects a person to unwanted sexual attention or to verbal or physical conduct of a sexual nature, when such conduct creates an intimidating, hostile, or offensive educational or work environment.



## **EXAMPLES**

Sexual harassment encompasses any sexual attention that is unwanted. It includes both verbal and physical conduct. Examples of sexual harassment prohibited by this policy include, but are not limited to:

- Physical assault;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- Direct propositions of a sexual nature;
- Subtle pressure for sexual activity;
- A pattern of conduct that discomforts or humiliates the person at whom the conduct is directed which includes one or more of the following: (1) comments of a sexual nature; (2) sexually explicit statements, questions, jokes, or anecdotes; (3) unnecessary touching, patting, hugging, kissing, or brushing a person's body; (4) remarks of a sexual nature about a person's clothing or body; or (5) remarks about sexual activity or speculations about previous sexual experience;
- Persistent, unwanted attempts to change a professional relationship to an amorous one.

## **ADVICE**

University policy requires that all employees maintain professional relationships with students and supervisees. It is the responsibility of instructors and supervisors to make explicit arrangements for their withdrawal from participation in evaluative decisions that may reward or penalize a student or employee with whom the instructor or supervisor has or

has had a relationship that could result in a real or perceived conflict of interest.

Individuals who believe they may be experiencing sexual harassment are advised to keep accurate documentation of any harassment in the event such documentation is needed in informal or formal procedures.

Documentation should include dates, places, specific behaviors, including verbal behavior, the alleged harasser's responses, any other persons in the vicinity who may have been witnesses, conversations with or involving a third party, physical or emotional symptoms occurring as a result of such harassment, and other pertinent information.

#### **DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURES**

Individuals who believe they may be experiencing sexual harassment are offered four procedural stages. The first stage provides the complainant with advice and counsel and is strictly confidential. The second stage provides the complainant with an opportunity to file a formal verbal complaint; at this stage the complaint may remain confidential. The third stage involves a formal written complaint and involves a formal investigation, which proceeds only if the complainant is willing to allow the signed complaint to be given to the accused. The University will protect from retaliation individuals who register formal written complaints. The fourth stage allows for appeal should an investigation find that sexual harassment has not taken place.

Similarly, the right to due process of the respondent is protected by the procedural steps that are outlined. The procedure for dealing with sexual harassment shall be as follows:

##### **1. ADVICE AND COUNCIL**

- a. The University shall arrange for advice and council to any employee or student who wishes to discuss personal thoughts and feelings about

an alleged incident, to consider ways to deal individually with the incident(s), or to explore procedural options.

a1. The Office of Affirmative Action shall offer counseling and appropriate referral when an employee of the University is the complainant or when an employee of the University has questions about possible issues of harassment.

a2. The Counseling Center shall offer counseling and appropriate referral when a student of the University is the complainant.

b. The content of conversations at this level of advice and counsel will remain strictly confidential. No records of the conversations will be maintained.

c. If the employee or student wishes to handle the matter privately or does not wish to proceed with a formal complaint, the matter is dropped.

## **2. FORMAL VERBAL COMPLAINT**

a. The University encourages an employee or student to enter a formal verbal complaint if in his or her opinion, the situation warrants it. Students or employees who wish to file a formal verbal complaint shall do so to the Provost (students and academic employees) or the Vice President for Business Affairs (operational employees) in person.

b. The Office of Affirmative Action shall establish an advocate pool from among faculty and staff from whom either a complainant or respondent employee may select an advocate to accompany him or her to the Office of the Provost or the Vice President for Business Affairs or in conversations with either of these officers. These individuals may not be members of the Affirmative Action Grievance Committee.

c. If a student complainant so requests, the counselor from the Counseling Center will accompany him or her to the Provost's office.

d. During the formal verbal complaint, the complainant describes verbally the alleged incident. With the complainant's permission, the Provost or Vice President for Business Affairs may discuss concerns with the respondent without formal charges being filed.

c. No written record of the complaint is maintained.

### **3. FORMAL WRITTEN COMPLAINT**

a. If the student or employee requests a formal investigation of the incident(s), a written complaint (see attached form) signed by the alleged victim identifying the respondent(s) and the unwanted behavior shall be submitted to the Provost (students or academic employees) or the Vice President for Business Affairs (operational employees), who will determine if the the facts presented in the case warrant investigation.

b. If the Provost or Vice President for Business Affairs determines that the information presented in the formal written complaint does not warrant investigation, the complainant will be so informed in writing within five school days. The complainant will have an opportunity to provide additional evidence within ten school days following receipt of the Provost's or Vice President's decision. If the complaint is concluded at this stage, no copy of the complaint is retained.

c. If the Provost or Vice President for Business Affairs determines that the information presented in the complaint warrants an investigation, he or she will, with the complainant's written consent, forward a copy of the signed complaint to the appropriate academic dean or immediate superior within 15 school days of the filing of the complaint.

d. If the complainant declines to have the written complaint forwarded, the investigation will not proceed and no copy of the complaint will be retained. If the complainant consents, the dean or supervisor will forward a copy of the complaint to the respondent and will investigate the complaint to determine whether reasonable grounds exist to conclude that sexual harassment has taken place. The investigation shall be concluded within 15 school days.

e. Throughout the investigation and during conversations with administrators involved in the investigation, both the complainant and the respondent shall have access to an advocate who may accompany him or her during meetings and conversations.

f. During the time of the investigation, the University will protect complainants from retaliation and will provide for third-party evaluation of course or work performance when appropriate. In some cases, this may mean stationing a third party at sites where harassment is allegedly taking place. During the investigation, however, the faculty member or supervisor will remain at his or her post.

g. If the dean or supervisor determines there is not reasonable cause to believe that sexual harassment has occurred, the complainant and the respondent shall be informed within five school days of the end of the investigation. The communication will specify the right of the complainant to appeal. No further action shall be taken on the complaint, and no record of the complaint shall appear in the respondent's file unless the respondent requests it. However, the complainant may appeal the decision within five class days and the matter would then proceed as provided in section 4.

h. If the dean or supervisor determines there is reasonable cause to believe that sexual harassment has occurred, the dean shall so inform the complainant and the respondent, in writing, within five school days of the end of the investigation. The communication will specify any recommended action and will inform the respondent of his or her right to appeal. If the respondent does not appeal, a written statement shall become part of his or her file and the recommended action shall be taken.

#### **4. APPEAL**

a. Any decision of the dean or supervisor may be appealed within five school days to the Affirmative Action Grievance Committee.

b. If, after the appeal process is concluded, the respondent is found to have engaged in sexual harassment, the recommended action shall be taken. The recommended action shall follow procedural guidelines as specified procedures for disciplinary action or dismissal-for-cause for either an academic or operational employee.

c. The appeal procedure is the last course of action open within the University for either the complainant or the respondent.



TO: Faculty Senate Executive Committee  
FROM: Peter M. Burkholder, Acting Secretary  
Faculty Senate Academic Affairs Committee

RECEIVED  
FEB 10 1993  
CWU FACULTY SENATE

DATE: February 8, 1993

RE: Graduation with Distinction

The Academic Affairs Committee has reconsidered the topic of Graduation with Distinction from Central Washington University, as directed by Faculty Senate Motions No. 2862 and 2863, of June 3, 1992.

The committee reexamined the proposed policy change which was recommended by the Undergraduate Council on January 28, 1992, and was described, with a detailed and extensive rationale, in a letter of April 8, 1992, to Charles McGehee, then Faculty Senate Chair, from Connie Roberts, then Vice Provost and Dean of Undergraduate Studies.

After lengthy discussion, including review of Senate Minutes and related correspondence, the committee decided to endorse fully the proposed policy change described in Dr. Roberts' letter. Therefore, we accept the concept of including credits transferred from accredited institutions, along with credits earned at Central, as a basis for Graduation with Distinction. This would put all Central students on a par in this regard, and would eliminate an inequity.

The committee also accepts the concept of requiring that 75 credits (rather than the current 90) be earned at Central. This change would go far toward eliminating an inconvenience which some transfer students may currently have. Yet it would preserve some (though by no means all) of the force of the principle that Graduation with Distinction from Central does imply completion of a substantial body of work at Central in order to ensure that Central's faculty have adequate opportunity to become familiar with the student's work. The committee believes that requiring 75 credits of work at Central, rather than 90, is a fair compromise between these two competing considerations.

PE

The Academic Affairs Committee was also asked to consider "the use of percentages within a graduating class rather than GPA's in determination of honors." This topic was discussed by the committee, and our conclusion was that, within the scope of current sparse information about grading practices and grade distribution at Central--e.g. to what extent competency-based grading is replacing competitive grading, we could find no advantage, at least for now, in switching to percentages rather than retaining GPA standards in determination of honors.

Accordingly, the committee proposes to return to the Senate for action our Motion No. 2861A:

Change the Graduation with Distinction Policy (1991/93 University Catalog; pg. 35-36), as recommended by the Undergraduate Council:

Omit: "Only credits earned at Central Washington University will be considered in determining eligibility for graduation with distinction." Insert: "Honors shall be based on the GPA of all credits earned at Central or transferred from accredited institutions."  
[effective 1992-93 Academic Year]

The committee also proposes to return to the Senate for action our Motion No. 2861 B:

Change the Graduation with Distinction Policy (1991/93 University Catalog; pg. 35-36), as recommended by the Undergraduate Council:

Replace "one-half (90)" with "seventy-five (75)"; and replace "90" with "seventy-five (75)"; so the policy would read: "At least seventy-five (75) of the credits required for the degree must be taken at Central Washington University with a minimum of 60 credits earned in courses taken on the A-F graded basis.

Credits earned by course challenge, military experience or courses, non-college courses and industrial experience will not be allowed toward the seventy-five (75) credits required for eligibility."  
[effective 1992-93 Academic Year]

Central  
Washington  
University



History Department

Language & Literature 100T  
Ellensburg, Washington 98926

(509) 963-1655

February 16, 1993

RECEIVED

FEB 16 1993

CWU FACULTY

Mr. Barney Erickson, Chair  
Faculty Senate  
Campus

Dear Barney,

Don Cummings has called a meeting of department chairs for the afternoon of February 17, and since one of the agenda items is the budget for next year, I think I had better be present at that conclave rather than attending the Faculty Senate Executive Committee's meeting. Owen Pratz will attend in my stead and present a summary of the Code Committee's views regarding the Personnel Committee's proposals.

With regard to inserting into the Faculty Code references to the Sexual Harassment policy, the Code Committee essentially agrees with the Personnel Committee in that references to that policy and to the Affirmative Action Grievance Procedure should be inserted into Code section 10, making it clear to faculty members that they may suffer disciplinary sanctions and dismissal for cause as a result of sexual harassment. Everyone is agreed that procedural safeguards should protect the alleged harasser as well as the complainant. For that reason, the Code Committee recommends that any new affirmative action grievance procedure, such as envisioned by the Personnel Committee, should conform as closely as possible to the procedures for informal and formal hearings outlined in the Faculty Code.

As for the salary proposal, the Code Committee's members, except for the chair, agree with the measures outlined by the Personnel Committee. The chair of the Code Committee thinks that the idea of developing concrete departmental criteria for the award of merit is a good idea; she, like the members of the Budget Committee, is not enamored of the prospect of there being varying monetary amounts awarded for merit from year to year. But most important, she fears that the idea of diverging from the salary scale in making merit awards will eventually lead to the abolition of the scale. If that is what faculty want, fine. In the long run, however, everyone should be aware that diverging from the salary scale will eventually lead to a situation where there are wildly varying levels of salaries throughout the institution. That will create the same or worse kind of bitterness and poor morale that currently prevails with regard to the merit system.

8F

Barney Erickson  
Page Two

As for codifying the Personnel Committee's salary proposal, there would have to be changes in Sections 8.40 C and in 8.75 B. Members of all committees desiring Code changes should be aware that the Code Committee has scheduled a Code hearing for April 14. Since notices must be sent to all faculty ten days in advance of the hearing, the Faculty Senate's secretary must have materials regarding the change by mid-March. After the hearing, changes will have to be made, negotiations conducted with the Provost and the President, and the matter brought to the Faculty Senate for a vote sometime in May if we hope to get the change on the agenda for the June Board of Trustees meeting. If the Senate decides to go forward with the salary proposal, it might be wise to make the effective date sometime next year.

Sincerely,



Beverly Heckart  
Chair, Code Committee

Central  
Washington  
University



Department of Computer Science  
Ellensburg, Washington 98926  
(509) 963-1495

February 3, 1993

RECEIVED  
FEB 5 1993  
CWO FACULTY SENATE

Libby Street  
Psychology Department  
Campus

Dear Libby:

As requested by the Faculty Senate Executive Committee, the Budget Committee has discussed the merit proposal developed by the Personnel Committee.

The proposal is a justifiable response to the perceived arbitrary and capricious fashion in which the current merit procedure has at times been carried out. However, the proposal seeks to remedy this problem by instituting a cumbersome procedure which would require substantial paper flow and administrative time. The time burden would fall primarily upon department chairs, a group already being asked to complete more and more unnecessary administrative tasks. The proposal would force chairs into hundreds of hours of meetings which would detract substantially from their other duties and probably require many hours of additional release time.

The distribution of merit awards poses another problem. Under the proposal, a person receiving a merit award in one year might receive a significantly different amount than he or she would in the next year. This is because the amount of money available for merit would be divided by the number of people who meet their objectives. Assuming the number of people who thus qualify for merit would be more or less the same from year to year, an individual merit award would vary directly with the amount of money appropriated for salary increases. Thus, to be the most meritorious member of the faculty in one year may bring an award of \$2000, while the next year \$200. This would be very demoralizing; faculty should know what the goal is that they are striving to achieve.

The proposal states that merit awards can be either "monetary" or "non-monetary." However, the "non-monetary" awards are, in fact, monetary. Tuition credits cost the University money; free parking costs the University money; student assistants must be paid; etc. This distinction is misleading and should be removed from the proposal.

There may be a problem with cost of living adjustments being applied only to step amounts and not merit amounts. Over several years this would tend to make cost of living adjustments considerably less than the actual increase in cost of living.

1

Rationale B: "Appropriateness of uniformity across departments and schools" is highly desirable. A faculty member must know precisely what things will be rewarded with merit before the process begins. Presently, this situation does not hold in many departments.

The Budget Committee thus finds that the proposal has substantial flaws regarding distribution of merit awards, would be prohibitively costly, and hence should not be implemented. Instead, the present system should be maintained with a move to establish objective criteria within departments, schools, and the University to obviate future complaints regarding the unfairness of the system.

Sincerely,



Barry J. Donahue, Chair  
Senate Budget Committee

c: Barney Erickson, Chair, Faculty Senate  
Frank Carlson, Education  
Dale Comstock, Mathematics  
Wayne Klemin, BEAM



**CENTRAL WASHINGTON UNIVERSITY**  
**Facilities Management**

**A N N O U N C E M E N T**

**CORRECTION**

**RECEIVED**

**FEB 1 1993**

**CWU FACULTY SENATE**

**TO: Campus Community**  
**DATE: January 27, 1993**  
**SUBJECT: Director of Facilities Planning and Construction**

William N. Ross has announced his retirement from Central Washington University effective June 30, 1994. In the interim, he has taken the position of Campus Architect.

John M. Holman, Director of Facilities Management, will assume the duties of Director of Facilities Planning and Construction until a new Director is selected.

A Search Committee will be appointed as soon as possible and they will be developing advertisements and setting a search schedule. Our target date to have a new Director in place is July 1993 in order to begin the new biennium capital program.

4

Central  
Washington  
University



Barney L. Erickson  
Faculty Senate Chair  
Campus

Office of  
College L

Ellensburg, Washington 98926


(509) 963-1858

RECEIVED

FEB 1 1993

CWU FACULTY SENATE

## MEMORANDUM

**TO:** SPS and SBE Chairs 

**FROM:** D. W. Cummings  
Dean, CLAS

**DATE:** January 28, 1993

**TOPIC:** General Education Forum

---

The General Education Committee and I are convening a meeting of faculty involved in and concerned about our General Education program. This first meeting may or may not lead to a more permanent structure, perhaps even something similar to the Center for the Preparation of School Personnel. But in any case this meeting will commence an on-going conversation among those faculty most concerned about General Education. Though there have been a number of different ideas expressed, there are no immediate changes planned – other than getting the involved faculty together to begin talking, perhaps for the first time in the history of General Education at Central.

Though the bulk of work in General Education is provided by departments and programs in CLAS, there is some provided by SPS and SBE, and we feel that even departments that do not offer General Education courses should have an opportunity to be involved in these discussions. So we are inviting you to identify up to three people from your department who you feel would be interested in and valuable to such a conversation. Please talk it over with them first so we can be sure that they are in fact interested in participating. As part of this preliminary discussion you might ask them what they think the most important issues are, and more specifically, if they were going to change one thing about General Education, what would it be? We will take their responses into consideration when drawing up the agenda. Since anything that finally emerges from these discussions would have to be acted upon by the Faculty Senate, we would like to have some senators in our discussion group.

Send me your list, and a brief statement of whatever issues arise from your discussions, by February 7.

Later we will send the participants (and you, even if you are not one of the participants) copies of fairly broad and general statements about General Education prepared by members of the committee. These statements are intended to be conversation-starters, not final words on the subject. We will also send them and you a detailed agenda. The range of potential topics is considerable. To name of few:

**BA**



AMERICAN FEDERATION OF TEACHERS  
CENTRAL WASHINGTON UNIVERSITY — LOCAL NO. 3231  
ELLENSBURG, WASHINGTON 98926

RECEIVED

FEB 24 1993

CWU FACULTY SENATE

February 17, 1993

Dr. Barney Erickson, Chair  
Faculty Senate  
Central Washington University  
Ellensburg, Washington 98926

Dear Dr. Erickson:

The Executive Committee of the Central Washington University Federation of Teachers totally supports the motion and the resolution about campus reorganization and the faculty code neglect concerning professional leave problems. This business was passed by the Faculty Senate on February 3, 1993.

Administrators have not been held accountable for violations of the faculty code for a long period of time. In the professional leave area these include not only the procedures for selecting professional leaves, but also involves enforcing the contract and the policies of the faculty code after a faculty member returns from a leave.

Further administrative neglect of the faculty code began with our discussions concerning the unit assignments in the layoff policy connected to the declaration of a financial exigency statement. This was challenged by the CWU-FT last November. To our knowledge these violations have never been corrected to this date.

We fully support and agree with the resolution that now is not the appropriate time for campus departmental reorganization. We are, however, very concerned that select departments may be dropped due to financial budget reductions.

Sincerely,

Walter H. Arlt, President  
CWU-Federation of Teachers



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February 17, 1993

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Central Washington University  
Ellensburg, Washington 98926

Dear Dr. Erickson:

The Central Washington University Federation of Teachers earnestly requests the support of the Central Washington University Faculty Senate. May we have a motion supporting enabling legislation for Collective Bargaining for the CWU faculty?

Sincerely,

A handwritten signature in cursive script that reads "Walter H. Arlt".

Walter H. Arlt, President  
CWU-Federation of Teachers

Central  
Washington  
University



Office of the Dean  
College of Letters, Arts and Sciences

Ellensburg, Washington 98926

(509) 963-1858

February 19, 1993

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Faculty Senate  
C.W.U.

Dear Barney:

I am relatively slow to anger, but the AFT's inflammatory and proselytizing ad in last night's Record has done it. I assume that the CWUFT Executive Committee got your permission to use your name. If they didn't, you ought to sue. In either case, we need to get some facts on the table:

I first announced to the CLAS chairs and directors my proposal for restructuring way back in the middle of last October. A week later I announced it to the entire CLAS faculty, by which time it had already changed significantly because of conversations I had had with various chairs and other faculty. Copies of the proposal were sent to all departments and programs and to members of the Deans Council, of which you are a member. That was four months ago. The Deans Council was provided with occasional updates. During all this time the Faculty Senate and its Executive Committee, for whatever reasons, chose to act as if nothing was going on. I was never invited to appear before the Senate. The Senate did nothing to hold hearings or set up forums. Basically, the Senate didn't do squat. For four months. Then they decide on a cease-and-desist motion, after another fit of the usual self-righteous and pretentious rhetoric. Then either with your permission or not, that cease-and-desist motion gets used publicly as an example of irresponsible administrative behavior, as an example of a failure of shared governance, and of my apparent attempt to push something past the faculty without sufficient involvement and discussion.

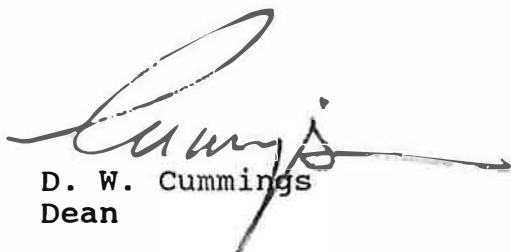
I really resent being hung up in public as an example of the things charged and implied in that ad. And let's not kid ourselves: Since my name is the one associated with restructuring, both on campus and off, the ad does make of me such an example. To charge me with those things, directly and by innuendo, is despicable and infuriating -- and handily oblivious to the truth: Over the last four months I have met with dozens of faculty and chairs. I have met with entire departments. I have met with single individuals and small groups. I have circulated three revisions of the proposal, which continues to change because of discussions and involvement from other people. And all of this time the Senate has chosen to sit on its collective dead butt and do nothing except whimper that things are moving too fast and it's all another example of the administration not

acting responsibly. It's no wonder there's a movement afoot to replace the Senate with some other body. Maybe the AFT Executive Committee could take over.

You and the other Senateers and AFTsters may or may not be interested in knowing that in the version of the proposal that I distributed to the chairs and directors yesterday as part of the rough and incomplete draft of CLAS's strategic plan, I propose that the deadline for restructuring be June of 1994, specifically so as to involve the new provost and dean. And to allow time for more faculty involvement -- though I suspect that an extra fifteen months will not be enough time for the Senate to do anything, other than its usual whimpering and posturing. And, of course, to expect the local AFT to do anything truly constructive is beyond serious consideration.

It seems that anytime anything happens that causes even the threat of discomfort to the smallest minority of faculty members, it is all taken as another occasion to use the Senate to tar the administration. Anything is fair game for the most loathsome and thoughtless statements and suspicion-mongering imaginable. And, of course, administrators are not allowed to fight back. If we were to apply to our accusers the same rhetoric and tactics they apply to us, that, of course, would be grossly unfair. Even maybe uncollegial and probably a violation of shared governance.

It's no wonder that it is so hard to find people willing to serve as administrators. It's no wonder the turnover is what it is. I for one am completely and utterly fed up with it all. If it were not for some idiot sense of duty and conscience that holds me back, the provost would by now have my resignation and I would be out of my fancy office before this day is over. But instead I, like my other administrative colleagues, will once again absorb the normal ill-will and deliberate misrepresentation and lurch on, though barely able to wait for June and the end of this sentence. It's not worth it, not by any stretch of the imagination. And a large part of that devaluation is due to attitudes all-too-common and apparently even fostered and encouraged in the Senate and the AFT and their respective clots of anal-sadistics.



D. W. Cummings  
Dean

c: Deans Council, Senate Executive Committee, Central  
Washington University Federation of Teachers Executive  
Committee, Ivory Nelson

Central  
Washington  
University



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College of Letters, Arts and Sciences

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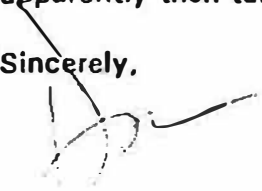
Dear Barmey:

As I told you last Friday when I handed you that letter, I wrote it the night before, just after having seen Thursday's AFT ad and pretty certain that you must have been in on the operation, since I couldn't really believe that even the so-called Executive Committee of the AFT could be vicious and stupid enough to use a person's name that way without his authorization. I obviously over-estimated their fellow-feeling and intelligence. That won't happen again. It is clear now that you are the victim of that ad rather than the victimizer. And I apologize for any additional personal grief my letter may have caused you.

It seems likely to me that my anger over the ad, anger that should have been, and now is, focused sharply on the AFT, tainted my criticism of the Senate. I apologize for that, too. I do not apologize, however, for the substance of the analysis of the Senate's behavior. I believe the Senate has acted badly and not like the leadership group it could be by its refusal even to acknowledge that proposals for restructuring were being broadcast and discussed publicly for four months and then rushing to the conclusion that everything was happening too fast.

There is always a lot of talk about faculty morale on this campus. There is never much talk about administrative morale. There are a lot of administrative morale problems at Central. Some of the causes are unavoidable. But it is certainly the case that the suspicion and propensity to think the worst that shows up so often in positions taken by the Senate add to those morale problems. As a one-time faculty member who is a temporary administrator, I can hardly wait until my tour is over so that I can go back to being faculty again and apparently then turn magically back into a good guy in the eyes of my colleagues.

Sincerely,

  
D. W. Cummings  
Dean



Christine O. G

Copy: Deans' Council  
From: Donald M. Schliesman

Date: 2-16-93  
 Mosher, Bus & Econ  
 Murphy, Prof Studies  
 Pappas, Academic Svcs  
 Roberts, Inst'l Research  
 Stacy, Graduate Studies  
 *President Nelson*

- Ainsworth, Int'l Programs
- Barnes, EUP
- Cummings, CLAS
- Erickson, Faculty Senate
- Lewis, Library

# ATTORNEY GENERAL

120 S Third Street Suite #100 • Yakima WA 98901-2869 • Phone (509) 575-2468

February 11, 1993

RECEIVED

FEB 17 1993

CRS FACULTY CLERK

Donald M. Schliesman  
Interim Provost and Vice President for Academic Affairs  
Central Washington University  
Ellensburg, WA. 98926

Re: Section 11.30 - Faculty Code

Dear Dr. Schliesman:

I am writing in response to your questions in your letter of January 13, 1993, regarding faculty appointments.

Question #1: Does the phrase "order of seniority for all full-time faculty members..." include the tenure-track and non-tenure track full-time faculty, or just the tenure-track faculty?

Answer: The obligation to a faculty member is determined by the contractual commitment made to that faculty member as set forth in the individual's "contract", which is established by the letter of appointment, renewals, and the terms of the faculty code. The non-tenure track employee and the probationary faculty member have no rights to continued employment beyond the duration of his or her "contract" period. Most tenure track (probationary) faculty members have annual appointments for the length of their agreed-upon period during which they are seeking tenure. The appointments are annually renewable. If they are not reappointed, they are entitled to receive notice pursuant to the requirements of the faculty code.

Since non-tenured faculty members have no right to continued employment beyond the term specified in their appointment letter, it would follow that they would not be included in a seniority list for "full-time faculty members." Of course, two seniority lists could be established. The first would contain tenured full-time faculty. This is the list apparently intended by the faculty code, Section 11.30, et seq. The second list could contain probationary full-time faculty members.

Faculty members holding non-tenure track, term appointments are employed only for the term of their contract and therefore would not fall into either of the above categories.



Page Two  
Feb. 11, 1993

Question #2: Do faculty members who have been employed by Central in non-tenure track positions for seven years or more have de facto tenure?

Answer: No. RCW 28B.35.120 sets forth the powers of the Board of Trustees including the authority of the Board to employ faculty. The courts in Washington have consistently held that only the Board of Trustees has the power to grant tenure. One year contracts are just that: a contract for one year. If the contract is renewed, no additional rights are granted to the faculty member.

Please contact me if I can be of additional assistance.

Sincerely,



Teresa C. Kulik  
Senior Assistant Attorney General

/tenure

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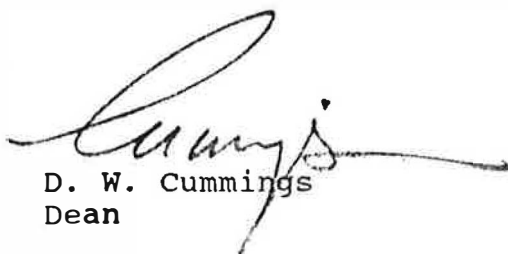
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Central  
Washington  
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Office of the President  
Bouillon 208H  
Ellensburg, Washington  
98926-7500  
(509) 963-2111

## CWU LEGISLATIVE BRIEFING AND UPDATE

### FACULTY SENATE MEETING

FEBRUARY 24, 1993

#### The Budget Outlook:

Governor Lowry is planning to introduce his budget proposal at the end of March (about the time we return from spring break). Senator Nita Rinehart, Chair of Ways & Means, and Rep. Gary Locke, Chair of House Appropriations, are likely to introduce similar budgets at around the same time. Little information is circulating about the budget; Locke, Rinehart and Daley (OFM) appear to be working closely together and keeping their information close to the vest. It is obvious that the recent public hearings in Yakima and Des Moines have been efforts to find a justification for raising taxes and/or tuition. If no revenue increases are put into effect, higher education as a whole (and Central) will almost inevitably face 12% - 16% cuts. If new revenue sources are identified and utilized, it is still likely that higher ed will face cuts ranging from 0 - 12%. It is entirely possible that some enhancement programs, such as new FTEs, will be granted to institutions at the same time that those institutions receive significant efficiency cuts.

#### HB 1005 (SB 5269) Students on Governing Boards:

This legislation would place one full-time undergraduate student on the governing boards of the regional universities and TESC; one undergraduate and one graduate student on the governing boards of UW and WSU. It passed the House earlier this week by a vote of 82 - 12. No action has been taken in the Senate at this time.

#### HB 1094 Higher Ed Courses in Sequence:

Representative Quall is concerned that students at public institutions are often not finishing their undergraduate education in four years, sometimes due to unavailability of classes. This legislation would allow students to contract with institutions to ensure that they are able to take courses in sequence when needed in order to finish in four years. Both students (the Washington Student Lobby) and the administrations of the universities

are concerned about this bill, and are attempting to modify it so that it does not unnecessarily punish either students or universities.

HSB 1468 Collective Bargaining/ Higher Ed:

This bill's enabling legislation which does not require faculty at higher education institutions to form collective bargaining groups but does allow for such activity. The bill was moved out of committee last Wednesday by a party line vote of 7-3. Central has been given a one-year exemption (until October, 1994) from the bill as it is currently written.

SHCR 4408 Master Plan for Higher Education (HECB):

The HECB's Master Plan for Higher Education was unanimously voted out of committee last week. Central got an amendment attached to the Resolution which calls for a review of funding procedures for higher education. The current system funds on an FTE basis; this study will consider whether programmatic or upper and lower division funding would be more equitable.

HB 1603 New College Promise:

Representative Ken Jacobsen has again introduced a bill which would make financial aid available to more students and would allow institutions to keep tuition revenues on campus rather than putting this money in the state general fund. The bill would offer many advantages to the campuses, but has some problems in the way it is currently written. One issue of concern is that tuition is tripled for students who have over 240 credits but have not yet attained a bachelor's degree. Another section of the bill gives the HECB allocation authority over revenues which may be left at the end of a fiscal year. We are hoping to amend both of these areas of the bill.

*Mary B. Marcy*

Mary B. Marcy, Ph.D.

Director of Governmental Relations

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HOUSE BILL 1468

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives King, Heavey, Dellwo, Brumsickle, Quall, Carlson, Jacobsen, Miller, Long, Locke, Bray, Leonard, Basich, Conway, Wood, Van Luven and Springer

Read first time 01/29/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to labor relations in institutions of higher  
2 education; amending RCW 41.58.020; adding a new chapter to Title 41  
3 RCW; and providing an effective date.

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

5 NEW SECTION. Sec. 1. It is the purpose of this chapter to promote  
6 cooperative efforts between employees and the boards of regents or  
7 boards of trustees of the four-year institutions of higher education in  
8 the state of Washington by prescribing certain rights and obligations  
9 of the employees and by establishing orderly procedures governing the  
10 relationship between the employees and their employers which procedures  
11 are designed to meet the special requirements and needs of public  
12 employment in higher education.

13 NEW SECTION. Sec. 2. The boards of regents and boards of trustees  
14 of the University of Washington, Washington State University, the  
15 regional universities, and The Evergreen State College may engage in  
16 collective bargaining with the exclusive bargaining representatives of  
17 their employees, as provided in this chapter.

1        NEW SECTION.        Sec. 3.        Unless the context clearly requires  
2 otherwise, the definitions in this section apply throughout this  
3 chapter.

4        (1) "Employee" means any employee of an employer, but does not  
5 include the chief executive or administrative officers of the  
6 institution of higher education, confidential employees, casual  
7 employees, supervisors, or employees subject to chapter 28B.16 RCW.  
8 However, department or division heads or chairs are not excludable  
9 administrators or supervisors.

10        (2) "Confidential employee" includes a person who participates  
11 directly on behalf of an employer in the formulation of labor relations  
12 policy, the preparation for or conduct of collective bargaining, or the  
13 administration of collective bargaining agreements, if the role of the  
14 person is not merely routine or clerical in nature but calls for the  
15 consistent exercise of independent judgment.

16        (3) "Casual employee" means an individual working in assignments of  
17 a limited scope or of a short term or of a transitory nature so as to  
18 indicate that the individual does not share a community of interest  
19 with other employees of the institution or lacks an expectancy of  
20 continued employment. However, an individual is not excluded from the  
21 coverage of this chapter solely because the person is both a student  
22 within the institution of higher education and an employee. However,  
23 a person is not excluded from coverage of this chapter solely because  
24 the person is employed part time.

25        (4) "Supervisor" includes any individual having authority in the  
26 interest of an employer to hire, assign, promote, transfer, lay off,  
27 recall, suspend, discipline, or discharge other employees, to adjust  
28 employees' grievances, or to recommend effectively such action, if the  
29 exercise of the authority is not merely routine or clerical in nature  
30 but calls for the consistent exercise of independent judgment. A  
31 person is not excluded solely by reason of his or her membership on a  
32 faculty tenure or other governance committee or body. The term  
33 "supervisor" includes only those persons who perform a preponderance of  
34 the acts of authority specified in this subsection for a preponderance  
35 of their duties.

36        (5) "Collective bargaining" and "bargaining" mean the performance  
37 of the mutual obligation of the representatives of the employer and the  
38 exclusive bargaining representative to meet at reasonable times to  
39 bargain in good faith in an effort to reach agreement with respect to



1 wages, hours, and other terms and conditions of employment. Services  
2 and activity fees as defined in RCW 28B.15.041 shall not be a subject  
3 for bargaining. Prior law, practice, or interpretation shall be  
4 neither restrictive, expansive, nor determinative with respect to the  
5 scope of bargaining. A written contract incorporating any agreements  
6 reached shall be executed if requested by either party. The obligation  
7 to bargain does not compel either party to agree to a proposal or to  
8 make a concession. It is the intent of the legislature to encourage  
9 resolution of disputes between employees and their employers through  
10 negotiations. Consequently, questions of negotiability must be  
11 liberally construed.

12 In the event of a dispute between an employer and an exclusive  
13 bargaining representative over the matters that are terms and  
14 conditions of employment, the commission shall decide which items are  
15 mandatory subjects for bargaining.

16 (6) "Commission" means the public employment relations commission  
17 established under RCW 41.58.010.

18 (7) "Employer" means the board of regents or board of trustees of  
19 each institution of higher education and includes any officer, board,  
20 commission, council, or other person or body acting on behalf of an  
21 employer.

22 (8) "Employee organization" means any organization, union,  
23 association, agency, committee, council, or group of any kind in which  
24 employees participate and that exists for the purpose, in whole or in  
25 part, of collective bargaining with employers.

26 (9) "Exclusive bargaining representative" means any employee  
27 organization that has:

28 (a) Been certified or recognized pursuant to this chapter as the  
29 representative of the employees in an appropriate collective bargaining  
30 unit; or

31 (b) Before the effective date of this section, been certified or  
32 recognized under a predecessor statute as the representative of the  
33 employees in a bargaining unit that continues to be appropriate under  
34 this chapter.

35 (10) "Institution of higher education" means the University of  
36 Washington, Washington State University, the regional universities, The  
37 Evergreen State College, and any other public four-year degree-granting  
38 institution.

1 (11) "Person" means one or more individuals, labor organizations,  
2 partnerships, associations, corporations, employers, or legal  
3 representatives. In determining whether a person is acting as an agent  
4 of another person so as to make such other person responsible for his  
5 or her acts, the question of whether the specific acts performed were  
6 actually authorized or subsequently ratified shall not be controlling.

7 (12) "Unfair labor practice" means an unfair labor practice listed  
8 in section 9 of this act.

9 (13) "Union security provision" means a provision in a collective  
10 bargaining agreement under which some or all employees in the  
11 bargaining unit may be required, as a condition of continued employment  
12 on or after the thirtieth day following the beginning of such  
13 employment or the effective date of the provision, whichever is later,  
14 to become a member of the exclusive bargaining representative or pay an  
15 agency fee equal to the periodic dues and initiation fees uniformly  
16 required as condition of acquiring or retaining membership in the  
17 exclusive bargaining representative.

18 NEW SECTION. **Sec. 4.** Employees have the right to self-  
19 organization, to form, join, or assist employee organizations, to  
20 bargain collectively through representatives of their own choosing, and  
21 also have the right to refrain from any or all of these activities  
22 except to the extent that employees may be required to make payments to  
23 an exclusive bargaining representative or charitable organization under  
24 a union security provision authorized in this chapter.

25 NEW SECTION. **Sec. 5.** (1) Upon filing with the employer the  
26 voluntary written authorization of a bargaining unit employee under  
27 this chapter, the employee organization that is the exclusive  
28 bargaining representative of the bargaining unit has the right to have  
29 deducted from the salary of the bargaining unit employee the periodic  
30 dues and initiation fees uniformly required as a condition of acquiring  
31 or retaining membership in the exclusive bargaining representative.  
32 The employee authorization shall not be irrevocable for a period of  
33 more than one year. Such dues and fees shall be deducted monthly from  
34 the pay of all employees who have given authorization for the  
35 deduction, and shall be transmitted by the employer to the employee  
36 organization or to the depository designated by the employee  
37 organization.

1 (2) A collective bargaining agreement may include union security  
2 provisions, but not a closed shop. The employer shall enforce any  
3 union security provision by monthly deductions from the salary of  
4 bargaining unit employees affected by the collective bargaining  
5 agreement and shall transmit the funds to the employee organization or  
6 to the depository designated by the employee organization.

7 (3) An employee who is covered by a union security provision and  
8 who asserts a right of nonassociation based on bona fide religious  
9 tenets or teachings of a church or religious body of which the employee  
10 is a member shall pay to a nonreligious charity or other charitable  
11 organization an amount of money equivalent to the periodic dues and  
12 initiation fees uniformly required as a condition of acquiring or  
13 retaining membership in the exclusive bargaining representative. The  
14 charity shall be agreed upon by the employee and the employee  
15 organization to which the employee would otherwise pay the dues and  
16 fees. The employee shall furnish written proof that the payments have  
17 been made. If the employee and the employee organization do not reach  
18 agreement on the matter, the commission shall designate the charitable  
19 organization.

20 NEW SECTION. **Sec. 6.** Four primary bargaining units may be  
21 established as follows: (1) Full-time academic employees; (2) part-  
22 time academic employees; (3) nonteaching professional employees; and  
23 (4) graduate or student assistant employees. In any dispute concerning  
24 the unit appropriate for collective bargaining or the allocation of  
25 employees or positions to bargaining units, the commission, after a  
26 hearing or hearings, shall determine the dispute, taking into  
27 consideration the duties, skills, and working conditions of the  
28 employees, the extent of organization among the employees, the  
29 community of interest among the employees, the desire of the employees,  
30 and the overall management structure of the employer including the  
31 interrelationships of divisions within the institution. Unnecessary  
32 fragmentation shall be avoided. All employees who are tenured or  
33 eligible to seek or be awarded tenure shall be included in the same  
34 bargaining unit at each institution of higher education. Full-time and  
35 part-time academic employees may be included in the same unit if votes  
36 by both units so determine.

NEW SECTION.

1       Sec. 7. (1) The employee organization that has been  
2 designated by the majority of the employees in an appropriate  
3 bargaining unit as their representative for the purposes of collective  
4 bargaining shall be the exclusive bargaining representative of, and  
5 shall be required to represent, all the employees within the bargaining  
6 unit without regard to membership in that employee organization:  
7 PROVIDED, That any employee may at any time present his or her  
8 complaints or concerns to the employer and have such complaints or  
9 concerns adjusted without intervention of the exclusive bargaining  
10 representative, as long as the exclusive bargaining representative has  
11 been given an opportunity to be present at that adjustment and to make  
12 its views known, and as long as the adjustment is not inconsistent with  
13 the terms of a collective bargaining agreement then in effect.

14       (2) The commission shall resolve any dispute concerning selection  
15 of a bargaining representative in accordance with the procedures  
16 specified in this section.

17       (a) No question concerning representation may be raised within one  
18 year following a certification or attempted certification.

19       (b) If there is a valid collective bargaining agreement in effect,  
20 no question concerning representation may be raised except during the  
21 period not more than ninety nor less than sixty days before the  
22 expiration date of the agreement. If a valid collective bargaining  
23 agreement, together with any renewals or extensions thereof, has been  
24 or will be in existence for more than three years, then a question  
25 concerning representation may be raised not more than ninety nor less  
26 than sixty days before the third anniversary date or any subsequent  
27 anniversary date of the agreement; if the exclusive bargaining  
28 representative is removed as the result of the procedure, the  
29 collective bargaining agreement shall be deemed to be terminated as of  
30 the date of the certification or the anniversary date following the  
31 filing of the petition, whichever is later.

32       (c) An employee organization seeking certification as exclusive  
33 bargaining representative of a bargaining unit of employees, or  
34 bargaining unit employees seeking decertification of an exclusive  
35 bargaining representative, shall make a confidential showing to the  
36 commission of credible evidence demonstrating that at least thirty  
37 percent of the employees in the bargaining unit are in support of the  
38 petition. The petition shall indicate the name, address, and telephone

1 number of any employee organization known to claim an interest in the  
2 bargaining unit.

3 (d) A petition filed by an employer shall be supported by credible  
4 evidence demonstrating the basis on which the employer claims the  
5 existence of a question concerning the representation of its employees.

6 (e) Any employee organization that makes a confidential showing to  
7 the commission of credible evidence demonstrating that it has the  
8 support of at least ten percent of the employees in the bargaining unit  
9 involved may intervene in proceedings under this section and have its  
10 name listed as a choice on the ballot in an election conducted by the  
11 commission.

12 (f) The commission shall determine any question concerning  
13 representation by conducting a secret ballot election among the  
14 employees in the bargaining unit. However, if the commission  
15 determines that a serious unfair labor practice has been committed that  
16 interfered with the election process and precludes the holding of a  
17 fair election, the commission may determine the question concerning  
18 representation by conducting a cross-check comparing the employee  
19 organization's membership records or bargaining authorization cards  
20 against the employment records of the employer.

21 (g) The representation election ballot shall contain a choice for  
22 each employee organization qualifying under (c) or (e) of this  
23 subsection, together with a choice for no representation. The  
24 representation election shall be determined by the majority of the  
25 valid ballots cast. If there are three or more choices on the ballot  
26 and none of the choices receives a majority of the valid ballots cast,  
27 a run-off election shall be conducted between the two choices receiving  
28 the highest and second highest numbers of votes.

29 NEW SECTION. **Sec. 8.** (1) The commission shall adopt rules under  
30 the administrative procedure act, chapter 34.05 RCW, as it deems  
31 necessary and appropriate to administer this chapter, in conformity  
32 with the intent and purpose of this chapter, and consistent with the  
33 best standards of labor-management relations.

34 (2) The rules, precedents, and practices of the national labor  
35 relations board, if consistent with this chapter, shall be considered  
36 by the commission in its interpretation of this chapter, and before the  
37 adoption of any commission rules.

1 NEW SECTION. Sec. 9. (1) It is an unfair labor practice for an  
2 employer:

3 (a) To interfere with, restrain, or coerce employees in the  
4 exercise of the rights guaranteed by this chapter;

5 (b) To dominate or interfere with the formation or administration  
6 of any employee organization or contribute financial or other support  
7 to it. An employer may permit employees to confer with it or its  
8 representatives or agents during working hours without loss of time or  
9 pay;

10 (c) To encourage or discourage membership in any employee  
11 organization by discrimination in regard to hire, tenure of employment,  
12 or any term or condition of employment, but this subsection does not  
13 prevent an employer from requiring, as a condition of continued  
14 employment, payment of the periodic dues and initiation fees uniformly  
15 required to an exclusive bargaining representative under section 5 of  
16 this act;

17 (d) To discharge or discriminate otherwise against an employee  
18 because the employee has filed charges or given testimony under this  
19 chapter; or

20 (e) To refuse to bargain collectively with the exclusive bargaining  
21 representative of its employees.

22 (2) It is an unfair labor practice for an employee organization or  
23 its agents:

24 (a) To restrain or coerce: (i) Employees in the exercise of the  
25 rights guaranteed in section 4 of this act, but this does not impair  
26 the right of an employee organization to prescribe its own rules for  
27 the acquisition or retention of membership in the organization; or (ii)  
28 an employer in the selection of its representatives for the purposes of  
29 collective bargaining or the adjustment of grievances;

30 (b) To cause or attempt to cause an employer to discriminate  
31 against an employee in violation of subsection (1)(c) of this section  
32 or to discriminate against an employee with respect to whom membership  
33 in such organization has been denied or terminated on some ground other  
34 than the failure of the employee to tender the periodic dues and  
35 initiation fees uniformly required as a condition of acquiring or  
36 retaining membership; or

37 (c) To refuse to bargain collectively with the employer of  
38 employees for whom it is the exclusive bargaining representative.

1 (3) The expression of any views, argument, or opinion, or the  
2 dissemination of those views, argument, or opinion to the public  
3 whether in written, printed, graphic, or visual form, shall not  
4 constitute or be evidence of an unfair labor practice under this  
5 chapter, if the expression contains no threat of reprisal or force or  
6 promise of benefit.

7 NEW SECTION. **Sec. 10.** (1) The commission may prevent any person  
8 from engaging in any unfair labor practice. This power shall not be  
9 affected by any other means of adjustment or prevention that has been  
10 or may be established by agreement, law, equity, or otherwise.

11 (2) A complaint charging unfair labor practices shall be filed  
12 within six months following the act or event complained of or discovery  
13 of such act or event complained of, whichever is later.

14 (3) The person or persons named as respondent in a complaint  
15 charging unfair labor practices may file an answer to the complaint and  
16 to appear in person or otherwise give testimony at the place and time  
17 set by the commission for hearing.

18 (4) If the commission determines that a person has engaged in or is  
19 engaging in any unfair labor practice, then the commission shall issue  
20 and cause to be served upon the person an order requiring the person to  
21 cease and desist from the unfair labor practice and to take such  
22 affirmative action as will effectuate the purposes and policy of this  
23 chapter, including the reinstatement of employees with back pay.

24 (5) The commission may petition the superior court of the county in  
25 which the main office of the employer is located or where the person  
26 who has engaged or is engaging in the unfair labor practice resides or  
27 transacts business, for the enforcement of its order and for  
28 appropriate temporary relief.

29 NEW SECTION. **Sec. 11.** Actions by or on behalf of the commission  
30 shall be under chapter 34.05 RCW, or rules adopted under chapter 34.05  
31 RCW. The right of judicial review under chapter 34.05 RCW is  
32 applicable to all these actions and rules.

33 NEW SECTION. **Sec. 12.** If any provision of any collective  
34 bargaining agreement between the employer and the exclusive bargaining  
35 representative requires legislative implementation or an appropriation,

1 the employer and the exclusive bargaining representative shall seek the  
2 appropriate legislative action actively and in good faith.

3 NEW SECTION. Sec. 13. (1) Whenever a collective bargaining  
4 agreement between an employer and an exclusive bargaining  
5 representative is concluded after the termination date of the previous  
6 collective bargaining agreement between the employer and an employee  
7 organization representing the same or a substantially similar  
8 bargaining unit, the effective date of the collective bargaining  
9 agreement must be the day after the termination date of the previous  
10 collective bargaining agreement unless otherwise agreed to, and all  
11 benefits included in the new collective bargaining agreement, including  
12 wage or salary increases, may accrue beginning with the effective date  
13 as established by this subsection.

14 (2) A collective bargaining agreement may provide for the increase  
15 of any wages, salaries, and other benefits during the term of such an  
16 agreement, if the employer receives, by increased appropriation or from  
17 other sources, additional moneys for such purposes.

18 NEW SECTION. Sec. 14. (1) The commission, through the executive  
19 director, may offer its mediation services in any labor dispute  
20 involving an employer and an exclusive bargaining representative,  
21 either upon its own motion or upon the request of one or more of the  
22 parties to the dispute, if in its judgment the dispute threatens to  
23 cause a substantial disruption to the public welfare.

24 (2) A person designated as a mediator in a labor dispute under this  
25 section shall meet with the representatives of the parties, either  
26 jointly or separately, and shall take other steps as he or she deems  
27 appropriate to persuade the parties to resolve their differences. A  
28 mediator does not have power of compulsion.

29 The services of the mediator, including any per diem expenses,  
30 shall be provided by the commission without cost to the parties. This  
31 section shall not be construed to prohibit an employer and an exclusive  
32 bargaining representative from agreeing to substitute at their own  
33 expense some other mediator or mediation procedure.

34 NEW SECTION. Sec. 15. An employer and an exclusive bargaining  
35 representative who enter into a collective bargaining agreement shall  
36 include in the agreement procedures for binding arbitration of the



1 disputes arising about the interpretation or application of t  
2 agreement.

3 NEW SECTION. Sec. 16. Except as otherwise expressly provided  
4 this chapter, nothing in this chapter shall be construed to annu  
5 modify, or preclude the renewal or continuation of any lawful agreeme  
6 entered into before the effective date of this section between a  
7 employer and an employee organization covering wages, hours, and term  
8 and conditions of employment. If there is a conflict between ar  
9 collective bargaining agreement and any resolution, rule, policy, c  
10 regulation of the employer or its agents, the terms of the collectiv  
11 bargaining agreement shall prevail.

12 NEW SECTION. Sec. 17. Except as otherwise expressly provided i  
13 this chapter, nothing in this chapter may be construed to deny o  
14 otherwise abridge any rights, privileges, or benefits granted by law t  
15 employees.

16 NEW SECTION. Sec. 18. This chapter shall not be construed t  
17 interfere with the responsibilities and rights of the employer a  
18 specified by federal and state law, including the employer's  
19 responsibilities to students, the public, and other constituent  
20 elements of the institution.

21 Sec. 19. RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each  
22 amended to read as follows:

23 (1) It shall be the duty of the commission, in order to prevent or  
24 minimize interruptions growing out of labor disputes, to assist  
25 employers and employees to settle such disputes through mediation (~~and~~  
26 ~~fact-finding~~)).

27 (2) The commission, through the director, may proffer its services  
28 in any labor dispute involving a political subdivision, municipal  
29 corporation, (~~or~~) the community and technical college system of the  
30 state, or baccalaureate degree-granting state institutions of higher  
31 education either upon its own motion or upon the request of one or more  
32 of the parties to the dispute, whenever in its judgment such dispute  
33 threatens to cause a substantial disruption to the public welfare.

34 (3) If the director is not able to bring the parties to agreement  
35 by mediation within a reasonable time, he shall seek to induce the

1 parties to voluntarily seek other means of settling the dispute without  
2 resort' to strike or other coercion, including submission to the  
3 employees in the bargaining unit of the employer's last offer of  
4 settlement for approval or rejection in a secret ballot. The failure  
5 or refusal of either party to agree to any procedure suggested by the  
6 director shall not be deemed a violation of any duty or obligation  
7 imposed by this chapter.

8 (4) Final adjustment by a method agreed upon by the parties is  
9 declared to be the desirable method for settlement of grievance  
10 disputes arising over the application or interpretation of an existing  
11 collective bargaining agreement. The commission is directed to make  
12 its mediation and fact-finding services available in the settlement of  
13 such grievance disputes only as a last resort.

14 NEW SECTION. **Sec. 20.** Sections 1 through 18 of this act shall  
15 constitute a new chapter in Title 41 RCW.

16 NEW SECTION. **Sec. 21.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 22.** This act shall take effect October 1, 1993.  
21 The public employment relations commission may immediately take such  
22 steps as are necessary to insure that this act is implemented on its  
23 effective date.

--- END ---

BHB 1468

2-16-93

Faculty Collective  
Bargaining  
7-3  
Personal Center

1 AN ACT Relating to labor relations in institutions of higher  
2 education; amending RCW 41.58.020; adding a new chapter to Title 41  
3 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to promote  
6 cooperative efforts between employees and the boards of regents or  
7 boards of trustees of the four-year institutions of higher education in  
8 the state of Washington by prescribing certain rights and obligations  
9 of the employees and by establishing orderly procedures governing the  
10 relationship between the employees and their employers which procedures  
11 are designed to meet the special requirements and needs of public  
12 employment in higher education.

13 NEW SECTION. **Sec. 2.** The boards of regents and boards of trustees  
14 of the institutions of higher education as defined in section 3 of this  
15 act may engage in collective bargaining with the exclusive bargaining  
16 representatives of their employees, as provided in this chapter.

1        NEW SECTION.        **Sec. 3.**        Unless the context clearly requires  
2 otherwise, the definitions in this section apply throughout this  
3 chapter.

4        (1) "Casual employee" means an individual working in assignments of  
5 a limited scope or of a short term or transitory nature, so as to  
6 indicate that the individual does not share a community of interest  
7 with other employees of the institution and lacks an expectancy of  
8 continued employment. "Casual employee" does not include a person who,  
9 during the preceding twelve months:        (a) Worked for the same  
10 institution of higher education for more than one-sixth of the full-  
11 time equivalent work year of a full-time equivalent employee performing  
12 similar work; and (b) continues to be available for the same or other  
13 assignments.

14        (2) "Collective bargaining" and "bargaining" mean the performance  
15 of the mutual obligation of the representatives of the employer and the  
16 exclusive bargaining representative to meet at reasonable times to  
17 bargain in good faith in an effort to reach agreement with respect to  
18 wages, hours, and other terms and conditions of employment. Service  
19 and activity fees as defined in RCW 28B.15.041 shall not be a subject  
20 for bargaining. A written contract incorporating any agreements  
21 reached shall be executed if requested by either party. The obligation  
22 to bargain does not compel either party to agree to a proposal or to  
23 make a concession.

24        In the event of a dispute between an employer and an exclusive  
25 bargaining representative over the matters that are terms and  
26 conditions of employment, the commission shall decide which items are  
27 mandatory subjects for bargaining.

28        (3) "Commission" means the public employment relations commission  
29 established under RCW 41.58.010.

30        (4) "Confidential employee" means:        (a) A person who participates  
31 directly on behalf of an employer in the formulation of labor relations  
32 policy, the preparation for or conduct of collective bargaining, or the  
33 administration of collective bargaining agreements, if the role of the  
34 person is not merely routine or clerical in nature but calls for the  
35 consistent exercise of independent judgment; and (b) a person who  
36 assists and acts in a confidential capacity to a person in (a) of this  
37 subsection.

38        (5) "Employee" means any employee of an employer, except the chief  
39 executive or administrative officers of the institution of higher

1 education, confidential employees, casual employees, supervisors, and  
2 employees subject to chapter 28B.16 or 41.56 RCW. The term "employee"  
3 does not include any person who is a student.

4 (6) "Employee organization" means any organization, union,  
5 association, agency, committee, council, or group of any kind in which  
6 employees participate and that exists for the purpose, in whole or in  
7 part, of collective bargaining with employers.

8 (7) "Employer" means the board of regents or board of trustees of  
9 each institution of higher education and includes any officer, board,  
10 commission, council, or other person or body acting on behalf of an  
11 employer.

12 (8) "Exclusive bargaining representative" means any employee  
13 organization that has been certified or recognized pursuant to this  
14 chapter as the representative of the employees in an appropriate  
15 collective bargaining unit.

16 (9) (a) Until October 1, 1994, "institution of higher education"  
17 means the University of Washington, Washington State University,  
18 Western Washington University at Bellingham, Eastern Washington  
19 University at Cheney, and The Evergreen State College.

20 (b) After October 1, 1994, "institution of higher education" means  
21 the University of Washington, Washington State University, the regional  
22 universities as defined in RCW 28B.10.016, The Evergreen State College,  
23 and any other public four-year degree-granting institution.

24 (10) "Person" means one or more individuals, labor organizations,  
25 partnerships, associations, corporations, employers, or legal  
26 representatives. In determining whether a person is acting as an agent  
27 of another person so as to make such other person responsible for his  
28 or her acts, the question of whether the specific acts performed were  
29 actually authorized or subsequently ratified shall not be controlling.

30 (11) "Supervisor" means any employee having authority, in the  
31 interest of an employer, to hire, assign, promote, transfer, lay off,  
32 recall, suspend, discipline, or discharge other employees, to adjust  
33 employees' grievances, or to recommend effectively such action, if the  
34 exercise of the authority is not merely routine or clerical in nature  
35 but calls for the consistent exercise of independent judgment. An  
36 employee is not includable as a supervisor solely by reason of his or  
37 her membership on a faculty tenure or other governance committee or  
38 body. The term "supervisor" includes only those persons who perform a  
39 preponderance of the acts of authority specified in this subsection.

1 (12) "Unfair labor practice" means an unfair labor practice listed  
2 in section 9 of this act.

3 (13) "Union security provision" means a provision in a collective  
4 bargaining agreement under which some or all employees in the  
5 bargaining unit may be required, as a condition of continued employment  
6 on or after the thirtieth day following the beginning of such  
7 employment or the effective date of the provision, whichever is later,  
8 to become a member of the exclusive bargaining representative or pay an  
9 agency fee established by the exclusive bargaining representative at an  
10 amount not greater than the periodic dues and initiation fees uniformly  
11 required as condition of acquiring or retaining membership in the  
12 exclusive bargaining representative.

13 NEW SECTION. **Sec. 4.** Employees have the right to self-  
14 organization, to form, join, or assist employee organizations, to  
15 bargain collectively through representatives of their own choosing, and  
16 also have the right to refrain from any or all of these activities  
17 except to the extent that employees may be required to make payments to  
18 an exclusive bargaining representative or charitable organization under  
19 a union security provision authorized in this chapter.

20 NEW SECTION. **Sec. 5.** (1) Upon the voluntary written authorization  
21 of a bargaining unit employee, the employer shall deduct from the pay  
22 of the employee the periodic dues and initiation fees uniformly  
23 required as a condition of acquiring or retaining membership in the  
24 exclusive bargaining representative. The employee authorization may be  
25 irrevocable for up to one year. Such dues and fees shall be  
26 transmitted monthly by the employer to the exclusive bargaining  
27 representative or to the depository designated by the exclusive  
28 bargaining representative.

29 (2) A collective bargaining agreement may include union security  
30 provisions, but not a closed shop. The employer shall enforce any  
31 union security provision by monthly deductions from the pay of all  
32 bargaining unit employees affected by the collective bargaining  
33 agreement and shall transmit the funds to the exclusive bargaining  
34 representative or to the depository designated by the exclusive  
35 bargaining representative.

36 (3) An employee who is covered by a union security provision and  
37 who asserts a right of nonassociation based on bona fide religious

1 tenets or teachings of a church or religious body of which the employee  
2 is a member shall, as a condition of employment, make alternative  
3 payments to a nonreligious charity designated by agreement of the  
4 employee and the exclusive bargaining representative. The amount of  
5 the alternative payment shall be equal to the periodic dues and  
6 initiation fees uniformly required as a condition of acquiring or  
7 retaining membership in the exclusive bargaining representative. The  
8 employee shall furnish written proof that the payments have been made.  
9 If the employee and the exclusive bargaining representative do not  
10 reach agreement on the matter, the dispute shall be submitted to the  
11 commission for determination.

12 NEW SECTION. Sec. 6. In any dispute concerning the unit  
13 appropriate for collective bargaining or the allocation of employees or  
14 positions to bargaining units, the commission, after a hearing or  
15 hearings, shall determine the dispute, taking into consideration the  
16 duties, skills, and working conditions of the employees, the extent of  
17 organization among the employees, the community of interest among the  
18 employees, the desire of the employees, and the overall management  
19 structure of the employer including the interrelationships of divisions  
20 within the institution. Unnecessary fragmentation shall be avoided.  
21 All employees who are tenured or eligible to seek or be awarded tenure  
22 shall be included in the same bargaining unit at each institution of  
23 higher education.

24 NEW SECTION. Sec. 7. (1) The employee organization that has been  
25 designated by the majority of the employees in an appropriate  
26 bargaining unit as their representative for the purposes of collective  
27 bargaining shall be the exclusive bargaining representative of, and  
28 shall be required to represent, all the employees within the bargaining  
29 unit without regard to membership in that employee organization:  
30 PROVIDED, That any employee may at any time present his or her  
31 complaints or concerns to the employer and have such complaints or  
32 concerns adjusted without intervention of the exclusive bargaining  
33 representative, as long as the exclusive bargaining representative has  
34 been given an opportunity to be present at that adjustment and to make  
35 its views known, and as long as the adjustment is not inconsistent with  
36 the terms of a collective bargaining agreement then in effect.

1 (2) The commission shall resolve any dispute concerning selection  
2 of a bargaining representative in accordance with the procedures  
3 specified in this section.

4 (a) No question concerning representation may be raised within one  
5 year following a certification or attempted certification.

6 (b) No question concerning representation may be raised within one  
7 year following an election or cross-check in which the employees failed  
8 to designate an exclusive bargaining representative.

9 (c) If there is a valid collective bargaining agreement in effect,  
10 no question concerning representation may be raised except during the  
11 period not more than ninety nor less than sixty days before the  
12 expiration date of the agreement. If a valid collective bargaining  
13 agreement, together with any renewals or extensions thereof, has been  
14 or will be in existence for more than three years, then a question  
15 concerning representation may be raised not more than ninety nor less  
16 than sixty days before the third anniversary date or any subsequent  
17 anniversary date of the agreement; if the exclusive bargaining  
18 representative is removed as the result of the procedure, the  
19 collective bargaining agreement shall be deemed to be terminated as of  
20 the date of the certification or the anniversary date following the  
21 filing of the petition, whichever is later.

22 (d) An employee organization seeking certification as exclusive  
23 bargaining representative of a bargaining unit of employees, or  
24 bargaining unit employees seeking decertification of an exclusive  
25 bargaining representative, shall make a confidential showing to the  
26 commission of credible evidence demonstrating that at least thirty  
27 percent of the employees in the bargaining unit are in support of the  
28 petition. The petition shall indicate the name, address, and telephone  
29 number of any employee organization known to claim an interest in the  
30 bargaining unit.

31 (e) A petition filed by an employer shall be supported by credible  
32 evidence demonstrating the basis on which the employer claims the  
33 existence of a question concerning the representation of its employees.

34 (f) Any employee organization that makes a confidential showing to  
35 the commission of credible evidence demonstrating that it has the  
36 support of at least ten percent of the employees in the bargaining unit  
37 involved may intervene in proceedings under this section and have its  
38 name listed as a choice on the ballot in an election conducted by the  
39 commission.



1 (g) The commission shall determine any question concerning  
2 representation by conducting a secret ballot election among the  
3 employees in the bargaining unit. However, if the commission  
4 determines that a serious unfair labor practice has been committed  
5 that interfered with the election process and precludes the holding of  
6 a fair election, the commission may determine the question concerning  
7 representation by conducting a cross-check comparing the employee  
8 organization's membership records or bargaining authorization cards  
9 against the employment records of the employer.

10 (h) The representation election ballot shall contain a choice for  
11 each employee organization qualifying under (d) or (f) of this  
12 subsection, together with a choice for no representation. The  
13 representation election shall be determined by the majority of the  
14 valid ballots cast. If there are three or more choices on the ballot  
15 and none of the choices receives a majority of the valid ballots cast,  
16 a run-off election shall be conducted between the two choices receiving  
17 the highest and second highest numbers of votes.

18 NEW SECTION. **Sec. 8.** (1) The commission shall adopt rules under  
19 the administrative procedure act, chapter 34.05 RCW, as it deems  
20 necessary and appropriate to administer this chapter, in conformity  
21 with the intent and purpose of this chapter, and consistent with the  
22 best standards of labor-management relations.

23 (2) The rules, precedents, and practices of the national labor  
24 relations board, if consistent with this chapter, shall be considered  
25 by the commission in its interpretation of this chapter, and before the  
26 adoption of any commission rules.

27 NEW SECTION. **Sec. 9.** (1) It is an unfair labor practice for an  
28 employer:

29 (a) To interfere with, restrain, or coerce employees in the  
30 exercise of the rights guaranteed by this chapter;

31 (b) To dominate or interfere with the formation or administration  
32 of any employee organization or contribute financial or other support  
33 to it. An employer may permit employees to confer with it or its  
34 representatives or agents during working hours without loss of time or  
35 pay;

36 (c) To encourage or discourage membership in any employee  
37 organization by discrimination in regard to hire, tenure of employment,

1 or any term or condition of employment, but this subsection does not  
2 prevent an employer from requiring, as a condition of continued  
3 employment, payment of the periodic dues and initiation fees uniformly  
4 required to an exclusive bargaining representative under section 5 of  
5 this act;

6 (d) To discharge or discriminate otherwise against an employee  
7 because the employee has filed charges or given testimony under this  
8 chapter; or

9 (e) To refuse to bargain collectively with the exclusive bargaining  
10 representative of its employees.

11 (2) It is an unfair labor practice for an employee organization or  
12 its agents:

13 (a) To restrain or coerce: (i) Employees in the exercise of the  
14 rights guaranteed in section 4 of this act, but this does not impair  
15 the right of an employee organization to prescribe its own rules for  
16 the acquisition or retention of membership in the organization; or (ii)  
17 an employer in the selection of its representatives for the purposes of  
18 collective bargaining or the adjustment of grievances;

19 (b) To cause or attempt to cause an employer to discriminate  
20 against an employee in violation of subsection (1)(c) of this section  
21 or to discriminate against an employee with respect to whom membership  
22 in such organization has been denied or terminated on some ground other  
23 than the failure of the employee to tender the periodic dues and  
24 initiation fees uniformly required as a condition of acquiring or  
25 retaining membership;

26 (c) To discriminate against an employee because that employee has  
27 filed charges or given testimony under this chapter; or

28 (d) To refuse to bargain collectively with the employer of  
29 employees for whom it is the exclusive bargaining representative.

30 (3) The expression of any views, argument, or opinion, or the  
31 dissemination of those views, argument, or opinion to the public,  
32 whether in written, printed, graphic, or visual form, shall not  
33 constitute or be evidence of an unfair labor practice under this  
34 chapter, if the expression contains no threat of reprisal or force or  
35 promise of benefit.

36 NEW SECTION. Sec. 10. (1) The commission may prevent any person  
37 from engaging in any unfair labor practice. This power shall not be

1 affected by any other means of adjustment or prevention that has been  
2 or may be established by agreement, law, equity, or otherwise.

3 (2) A complaint charging unfair labor practices shall be filed  
4 within six months following the act or event complained of or discovery  
5 of such act or event complained of, whichever is later.

6 (3) The person or persons named as respondent in a complaint  
7 charging unfair labor practices may file an answer to the complaint and  
8 appear in person or otherwise give testimony at the place and time set  
9 by the commission for hearing.

10 (4) If the commission determines that a person has engaged in or is  
11 engaging in any unfair labor practice, then the commission shall issue  
12 and cause to be served upon the person an order requiring the person to  
13 cease and desist from the unfair labor practice and to take such  
14 affirmative action as will effectuate the purposes and policy of this  
15 chapter, including the reinstatement of employees with back pay.

16 (5) The commission may petition the superior court of the county in  
17 which the main office of the employer is located or where the person  
18 who has engaged or is engaging in the unfair labor practice resides or  
19 transacts business, for the enforcement of its order and for  
20 appropriate temporary relief.

21 NEW SECTION. Sec. 11. Actions by or on behalf of the commission  
22 shall be under chapter 34.05 RCW, or rules adopted under chapter 34.05  
23 RCW.

24 NEW SECTION. Sec. 12. If any provision of any collective  
25 bargaining agreement between the employer and the exclusive bargaining  
26 representative requires legislative implementation or an appropriation,  
27 the employer and the exclusive bargaining representative shall seek the  
28 appropriate legislative action actively and in good faith.

29 NEW SECTION. Sec. 13. (1) Whenever a collective bargaining  
30 agreement between an employer and an exclusive bargaining  
31 representative is concluded after the termination date of the previous  
32 collective bargaining agreement between the employer and an employee  
33 organization representing the same employees, the effective date of the  
34 collective bargaining agreement may be the day after the termination  
35 date of the previous collective bargaining agreement, and all benefits  
36 included in the new collective bargaining agreement, including wage or

1 salary increases, may accrue beginning with the effective date as  
2 established by this subsection.

3 (2) Except as otherwise provided in subsection (3) of this section,  
4 provisions of a collective bargaining agreement pertaining to salary  
5 increases may not exceed the amount or percentage established by the  
6 legislature in the appropriations act. Provisions of a collective  
7 bargaining agreement pertaining to salary increases shall not be  
8 binding upon future actions of the legislature. If any provision for  
9 a salary increase is changed by subsequent modification of the  
10 appropriations act by the legislature, the employer and the exclusive  
11 bargaining representative shall immediately enter into collective  
12 bargaining for the sole purpose of arriving at a mutually agreed upon  
13 replacement for the modified provision.

14 (3) A collective bargaining agreement may provide for the increase  
15 of any wages, salaries, and other benefits during the term of such an  
16 agreement, if the employer receives, by increased appropriation or from  
17 other sources, additional moneys for such purposes.

18 NEW SECTION. Sec. 14. (1) The commission, through the executive  
19 director, may offer its mediation services in any labor dispute  
20 involving an employer and an exclusive bargaining representative,  
21 either upon its own motion or upon the request of one or more of the  
22 parties to the dispute, if in its judgment the dispute threatens to  
23 cause a substantial disruption to the public welfare.

24 (2) A person designated as a mediator in a labor dispute under this  
25 section shall meet with the representatives of the parties, either  
26 jointly or separately, and shall take other steps as he or she deems  
27 appropriate to persuade the parties to resolve their differences. A  
28 mediator does not have power of compulsion.

29 The services of the mediator, including any per diem expenses,  
30 shall be provided by the commission without cost to the parties. This  
31 section shall not be construed to prohibit an employer and an exclusive  
32 bargaining representative from agreeing to substitute at their own  
33 expense some other mediator or mediation procedure.

34 NEW SECTION. Sec. 15. An employer and an exclusive bargaining  
35 representative who enter into a collective bargaining agreement shall  
36 include in the agreement procedures for binding arbitration of the

1 disputes arising about the interpretation or application of the  
2 agreement.

3 NEW SECTION. Sec. 16. Except as otherwise expressly provided in  
4 this chapter, nothing in this chapter shall be construed to annul,  
5 modify, or preclude the renewal or continuation of any lawful agreement  
6 entered into before the effective date of this section between an  
7 employer and an employee organization covering wages, hours, and terms  
8 and conditions of employment. If there is a conflict between any  
9 collective bargaining agreement and any resolution, rule, policy, or  
10 regulation of the employer or its agents, the terms of the collective  
11 bargaining agreement shall prevail.

12 NEW SECTION. Sec. 17. Except as otherwise expressly provided in  
13 this chapter, nothing in this chapter may be construed to deny or  
14 otherwise abridge any rights, privileges, or benefits granted by law to  
15 employees.

16 NEW SECTION. Sec. 18. This chapter shall not be construed to  
17 interfere with the responsibilities and rights of the employer as  
18 specified by federal and state law, including the employer's  
19 responsibilities to students, the public, and other constituent  
20 elements of the institution.

21 Sec. 19. RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each  
22 amended to read as follows:

23 (1) It shall be the duty of the commission, in order to prevent or  
24 minimize interruptions growing out of labor disputes, to assist  
25 employers and employees to settle such disputes through mediation and  
26 fact-finding.

27 (2) The commission, through the director, may proffer its services  
28 in any labor dispute (~~(involving a political subdivision, municipal~~  
29 ~~corporation, or the community college system of the state,)~~) arising  
30 under a collective bargaining law administered by the commission either  
31 upon its own motion or upon the request of one or more of the parties  
32 to the dispute, whenever in its judgment such dispute threatens to  
33 cause a substantial disruption to the public welfare.

34 (3) If the director is not able to bring the parties to agreement  
35 by mediation within a reasonable time, he shall seek to induce the

1 parties to voluntarily seek other means of settling the dispute without  
2 resort to strike or other coercion, including submission to the  
3 employees in the bargaining unit of the employer's last offer of  
4 settlement for approval or rejection in a secret ballot. The failure  
5 or refusal of either party to agree to any procedure suggested by the  
6 director shall not be deemed a violation of any duty or obligation  
7 imposed by this chapter.

8 (4) Final adjustment by a method agreed upon by the parties is  
9 declared to be the desirable method for settlement of grievance  
10 disputes arising over the application or interpretation of an existing  
11 collective bargaining agreement. The commission is directed to make  
12 its mediation and fact-finding services available in the settlement of  
13 such grievance disputes only as a last resort.

14 NEW SECTION. Sec. 20. Sections 1 through 18 of this act shall  
15 constitute a new chapter in Title 41 RCW.

16 NEW SECTION. Sec. 21. If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20 NEW SECTION. Sec. 22. This act shall take effect October 1, 1993.  
21 The public employment relations commission may immediately take such  
22 steps as are necessary to insure that this act is implemented on its  
23 effective date.

--- END ---

- >> What should the goals and objectives be for General Education?
- >> How should we assess the program?
- >> What isn't General Education?
- >> Exactly what, if anything, is wrong with the program we have?
- >> What should the Basic Skills component be?
- >> Should we stay with the distribution requirement we have or go to a more formalized core curriculum?
- >> What role, if any, can and should Learning Communities play in General Education?
- >> Should we establish a Center for General Education similar to the Center for the Preparation of School Personnel to continue the conversation and augment the work of the General Education Committee?

This first meeting will consist of a short presentation on the items on the agenda, followed by small group discussions. The small groups will report back to the entire group, and the notes from those reports will be used by the General Education Committee to draw up some preliminary proposals that will be circulated to the faculty for comment and reaction, preliminary to further meetings. The revised proposals will then be sent on to whichever person or committee seems most appropriate.

c: President Nelson  
Provost Schliesman  
Deans Council

Central  
Washington  
University



Barney L. Erickson  
Faculty Senate Chair  
Campus

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FEB 1 1993  
CWU FACULTY SENATE

## MEMORANDUM

TO: SPS and SBE Chairs

FROM: D. W. Cummings  
Dean, CLAS

DATE: January 28, 1993

TOPIC: General Education Forum

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The General Education Committee and I are convening a meeting of faculty involved in and concerned about our General Education program. This first meeting may or may not lead to a more permanent structure, perhaps even something similar to the Center for the Preparation of School Personnel. But in any case this meeting will commence an on-going conversation among those faculty most concerned about General Education. Though there have been a number of different ideas expressed, there are no immediate changes planned -- other than getting the involved faculty together to begin talking, perhaps for the first time in the history of General Education at Central.

Though the bulk of work in General Education is provided by departments and programs in CLAS, there is some provided by SPS and SBE, and we feel that even departments that do not offer General Education courses should have an opportunity to be involved in these discussions. So we are inviting you to identify up to three people from your department who you feel would be interested in and valuable to such a conversation. Please talk it over with them first so we can be sure that they are in fact interested in participating. As part of this preliminary discussion you might ask them what they think the most important issues are, and more specifically, if they were going to change one thing about General Education, what would it be? We will take their responses into consideration when drawing up the agenda. Since anything that finally emerges from these discussions would have to be acted upon by the Faculty Senate, we would like to have some senators in our discussion group.

Send me your list, and a brief statement of whatever issues arise from your discussions, by February 7.

Later we will send the participants (and you, even if you are not one of the participants) copies of fairly broad and general statements about General Education prepared by members of the committee. These statements are intended to be conversation-starters, not final words on the subject. We will also send them and you a detailed agenda. The range of potential topics is considerable. To name of few:

BA