

SPECIAL
MEETING OF THE BOARD OF TRUSTEES
OF THE EVERGREEN STATE COLLEGE

Thursday, October 20, 1977
The Evergreen State College Campus
Daniel J. Evans Library, Room 3112

Trustees Present: Wesley E. Berglund
Robert J. Flowers
Herbert D. Hadley
Janet P. Holmes

Staff Present: Judy Annis, Director of College Relations
Dean Clabaugh, Administrative Vice President
George Dimitroff, faculty member (seated at Board table)
Les Eldridge, Assistant to the President
Daniel Evans, President
Rita Grace, Recording Secretary
Will Humphreys, Academic Dean
Rindetta Jones, Affirmative Action Officer
Ed Kormondy, Vice President and Provost
Doris McCarty, Bookstore Manager
Bill Robinson, Budget Officer (seated at Board table)
Pete Steilberg, Director of Recreation & Campus Activities
Robert Strecker, Director of Facilities
Rick Tessandore, Assistant Director of Recreation and
Campus Activities
See permanent roster for others attending

Others Present: Patrick Callan, Executive Coordinator, Council for
Postsecondary Education
Leroy Charf, ORB Organization
Steve Francis, Executive Secretary, S and A Board
Donna Hayes, student (seated at Board table)
Mandy McFarlan, Cooper Point Journal
Rich Montecucco, Assistant Attorney General
Alice Watts, The Daily Olympian
See permanent roster for others attending

INTRODUCTIONS AND APPROVAL OF MINUTES - Action

President Evans introduced the staff, faculty and student selected to sit with the Trustees during this academic year: Bill Robinson, George Dimitroff, and Donna Hayes, respectively.

Motion Mr. Berglund moved approval of the minutes of the September 29,
77-45 1977 meeting as submitted. Seconded by Mrs. Holmes and passed.

PRESIDENT'S REPORT

Curricular Planning and Coordination with OTCC/Centralia

Mr. Humphreys made a progress report on curriculum planning and the process under way for selection of next year's offerings; the end result will be presented at the December Board meeting.

00255

11/10/77

12/8/77

PRESIDENT'S REPORT - Continued

Mr. Kormondy mentioned that Evergreen has been working with OTCC and Centralia to coordinate course offerings (particularly part time, lower division) to avoid duplication in the future, and identified this kind of coordination between a four-year and two-year institution as unique in Washington.

PUBLIC HEARING: GOVERNANCE AND DECISION MAKING POLICY - Action

A public hearing was convened at 11:05 AM to consider revisions to the governance and decision making document, a result of a year and a half of work by Niels Skov's DTF, including public hearings and opportunities for input. The revisions came with the endorsement of the president and legal counsel, following comment from the Board and others in attendance.

Motion 77-46 Mrs. Holmes moved to amend the governance and decision making document so as to substitute the name "Evergreen Council" for the name "Geoboard." Seconded by Mr. Flowers and passed.

Motion 77-47 Mr. Berglund moved that WAC 174-108, section -06005, subsection 6, first line read: "Any of these seven members is subject to peremptory (rather than preemptory) challenges...." Seconded by Mrs. Holmes and passed.

Motion 77-48 Mr. Berglund moved that in WAC 174-108, section -041, subsection 1, second sentence, the first "our" be changed to "the College's" and that the second "our" be dropped so that the sentence then reads: "The Evergreen Council will also have a 'watchdog' function as the place where the College's principles are reiterated and actions are weighed for compliance with those principles." Seconded by Mr. Flowers and passed.

Motion 77-49 Mr. Berglund, in accordance with Administrative Procedures Act requirements, moved approval of revisions to the policy relating to governance and decision making at The Evergreen State College (WAC 174-108-010 through -08001) as amended during the hearing (revised policy attached). Seconded by Mr. Flowers and passed.

The public hearing concluded at 12:07 PM and the special meeting resumed.

PRESIDENT'S REPORT - Continued

Vancouver Program

Duke Kuehn, faculty coordinator of the Vancouver program at Clark Community College, discussed his program and ways in which the college serves south-west Washington and older students.

Council for Postsecondary Education

Pat Callan, Executive Coordinator of the Council for Postsecondary Education, discussed current activities and responsibilities of the Council and creation and membership.

Mr. Callan also asked for informal support from the Board in his efforts to develop some kind of ongoing mechanism for communication among the governing boards in the state and with the Council. Trustees indicated support.

00256

11/10/77

12/8/77

PRESIDENT'S REPORT - Continued

Graduate Program

Mr. Kormondy discussed Evergreen's proposal for a graduate program, a program that would have an undesignated master's degree. Mr. Callan felt there were issues to be ironed out prior to approval by the Council. Mr. Kormondy mentioned the College hoped to have a program initiated by fall of 1979.

Services and Activities Fees Allocation

Mr. Clabaugh described the process by which S & A fees have been allocated at Evergreen, mentioning that Evergreen's process is pointed to as a good example for other institutions.

Design Team Presentation - Playing Field Expansion

Mr. Leroy Charf, architectural engineer and recreational planner for the ORB Organization, presented a progress report on plans for expansion of the existing playing field.

A discussion of capital budget followed this presentation.

Mrs. Holmes moved that the budget request for the next phase include a request for a gymnasium and the expansion of the playing field and necessary remodeling. Following further discussion, Mrs. Holmes withdrew her motion.

The Board agreed to review the 1978 capital budget telephonically.

Enrollment

President Evans reported on Evergreen's tenth day enrollment report (2544) and discussed some steps being taken to increase enrollment.

OTHER BUSINESS AND ANNOUNCEMENTS

AGB Conference

Trustees Berglund and Flowers reported on the Association of Governing Boards meeting they attended in early October.

Financial Aid

Laura Thomas, Director of Financial Aid, presented a report on financial aid requested by Trustee Flowers and responded to questions.

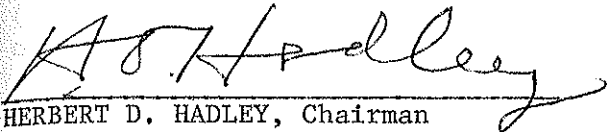
Request for Intercollegiate Athletics Study

Mr. Flowers requested a feasibility study regarding the cost of establishing an intercollegiate athletics program for a minor sport, such as track, soccer, swimming or tennis; recommendations or conclusions to come back to the Board.

DATE OF NEXT MEETING AND ADJOURNMENT

The date of the next meeting was set for December 8.

The meeting adjourned at 2:35 PM.


HERBERT D. HADLEY, Chairman


ROBERT J. FLOWERS, Secretary

Attachments

11/10/77

12/8/77

Governance and Decision-Making at Evergreen

WAC 174-108-010 Introduction - Guidelines to Governance and Decision-Making

(1) Evergreen is an institution in process. It is also a campus community in the process of organizing itself so that it can work toward clearing away obstacles to learning. In order that both creative and routine work can be focused on education, and so the mutual and reciprocal roles of the campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required.

(2) To accomplish these ends, governance and decision-making in the Evergreen community must have the following qualities:

(a) The procedures must reflect the Evergreen approaches as stated in the college bulletin to facilitate learning, and recognize the responsibility of the president and the Board of Trustees for institutional direction.

(b) Decisions, and methods to be used for their implementation must be handled at the level of responsibility and accountability closest to those affected by a particular decision.

(c) Those persons involved in making decisions must be held accountable. "Accountable" means subject to consequences, commensurate with the seriousness of the decision as well as responsible for justifying it.

(d) Location of those responsible for the functioning of various areas of the community is identified in the college organization chart, the faculty handbook, and the Evergreen Administrative Code. Delegated duties and responsibilities should be made as explicit as possible, and information regarding the decision-making roles of various members of the Evergreen community should be made easily available. Members of the Evergreen council will also serve as information sources on these questions of locatability.

(e) Decisions must be made only after consultation and coordination with students, faculty, and staff who are both affected by and interested in the issues, except on those rare occasions in which circumstances do not allow formal consultation with those to be affected.

(f) In cases of conflict, due process procedures set forth in WAC 174-108-06001 through 174-108-06011 must be followed.

(g) Governance procedures must be flexible enough to change as the institution changes and must, therefore, provide an amendment procedure and periodic evaluation.

(h) Evergreen's system of governance must provide for the representation of and participation by all interested members of the Evergreen community.

(i) The Evergreen community should avoid fractioning into constituency groups which replace rather than augment the deliberations of bodies composed of all major constituencies.

(j) Groups should utilize a consensus approach in reaching decisions. The voting procedure should be used if consensus is unobtainable.

(k) If it is essential for standing committees or councils to exist, there must be a frequent turnover of membership, at least annually.

(l) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(m) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

11/10/77

12/8/77

(3) However, an efficient system of gathering historical data and Evergreen's evaluation system alone will not keep the community open and self-conscious. It is the responsibility of the Evergreen council to see that an ongoing system of information dissemination, evaluation, and correction is maintained. To this end, the council is expected to function as the critic of information flow and as requester of further information on specific issues.

SECTION

WAC 174-108-041 EVERGREEN COUNCIL AND DTFS. (1) The Evergreen council, which will meet at least biweekly, shall constitute the forum for discussion and decision on issues affecting the college.

The Evergreen council will also have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with the principles. Membership in the Evergreen community implies willingness to serve on the Evergreen council and to appear before it when requested.

(2) The membership of the Evergreen council will be constituted as follows:

(a) The president or in his/her absence an appointed presidential representative;

(b) Four exempt staff chosen by their colleagues;

(c) Five classified staff chosen by their colleagues;

(d) Five faculty chosen by their colleagues;

(e) Fifteen students chosen by the student body;

(f) At the time constituencies choose their members they will also choose alternates, at least two each by exempt staff, by classified staff and by faculty, and at least six by the students. Alternates shall be rank ordered by their constituencies.

(3) Terms on the Evergreen council shall be three quarters, staggered by quarters. Members may serve no more than two consecutive terms.

(4) All members of the Evergreen council will serve as facilitators to all members of the Evergreen community in areas of initiative petitions or proposals, to help individuals locate the area of responsibility, and otherwise facilitate communication and coordination on campus.

(5) The Evergreen council will select a new moderator and a new recorder for a one quarter term. These responsibilities will be rotated through the board membership. The moderator will see that the group meets on a regular schedule and will assure a free and open discussion. The recorder will be responsible for reporting the issues discussed and for providing copies of the minutes to each member of the Evergreen council and to information channels such as the information officer, the campus newspaper, and the radio station.

(6) The Evergreen council will elect from its membership an executive committee of four members plus the moderator and the recorder. Each of the four constituencies will be represented on the executive committee.

(a) The executive committee will meet weekly on a regularly scheduled basis and will be responsible for preparing the agenda for the Evergreen council. The executive committee's primary function will be to insure that the issues placed on the agenda of the Evergreen council warrant attention and that all such issues are included on the agenda.

(b) At the beginning of each meeting of the Evergreen council, the executive committee will give a brief account of its deliberations, and the moderator will entertain a motion to accept the agenda.

(n) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(o) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status or role in the community.

AMENDATORY SECTION (Amending Order 74-3, filed 6/18/74)

WAC 174-108-020 THE LEGAL NATURE AND STATUS OF THE EVERGREEN STATE COLLEGE.

(1) The Evergreen State College, established in Thurston County by the 1967 Washington state legislature, operates under the provision of the Revised Code of Washington (chapter 28B.40 RCW).

(2) Management of the college, care, and preservation of its property, erection and construction of necessary buildings and other facilities, and authority to control collection and disbursement of funds is vested in a five-member board of trustees appointed by the governor with the consent of the senate for six-year overlapping terms. Board members serve without compensation. The state attorney general's office is constitutionally established as the legal advisor to all state agencies and institutions. This agency provides legal counsel to the board of trustees, the president, and other designated members of the campus community. Evergreen's president is chosen by and is directly responsible to the board of trustees for executive direction and supervision of all operations of the college. The president of The Evergreen State College is appointed for a six-year term, reviewable annually, which term may be renewed for an additional six years for a maximum term of twelve years. The trustees and the president in turn delegate many duties and responsibilities to others in the Evergreen community.

(3) The governance system recognizes that Evergreen is bound by two sets of rules which are not viewed as being inconsistent or incompatible with the spirit of the college. The first set of rules includes those federal, state, and local regulations which are legal in nature and are binding upon all public institutions. The second set of rules makes up the system of governance designed to advance The Evergreen State College toward its goals and purposes.

AMENDATORY SECTION (Amending Order 74-3, filed 6/18/74)

WAC 174-108-030 INFORMATION, COMMUNICATIONS AND RECORD-KEEPING. (1) It is the responsibility of the decision-makers (including heads of decision-making groups and quasi decision-making groups such as DTF chairpersons and program coordinators) to assess the potential sensitivity or importance of decisions being made or under consideration. Such decision-makers are accountable if subsequent events prove any withheld information to have been vital. Decision-makers must make use of available and appropriate communication means to disseminate the information. This section does not encourage a massive dissemination of trivia, but depends upon and encourages the good will and judgment of the decision-maker to maintain an open system of information flow leading to decision-making.

(2) The Evergreen community needs to be open, self-conscious and self-correcting if it is to be both viable and innovative. Primary responsibility for documenting Evergreen's evolution lies with the president who, therefore, must see that the records of decision-making are kept.

(3) However, an efficient system of gathering historical data and Evergreen's evaluation system alone will not keep the community open and self-conscious. It is the responsibility of the Evergreen council to see that an ongoing system of information dissemination, evaluation, and correction is maintained. To this end, it ought to function as the critic of information flow and as requester of further information on specific issues.

NEW SECTION

WAC 174-108-041 EVERGREEN COUNCIL AND DTFS. (1) The Evergreen council, which will meet at least biweekly, shall constitute the forum for discussion and advice on issues affecting the college.

The Evergreen council will also have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with those principles. Membership in the Evergreen community implies willingness to serve on the Evergreen council and to appear before it when requested.

(2) The membership of the Evergreen council will be constituted as follows:

(a) The president or in his/her absence an appointed presidential representative;

(b) Four exempt staff chosen by their colleagues;

(c) Five classified staff chosen by their colleagues;

(d) Five faculty chosen by their colleagues;

(e) Fifteen students chosen by the student body;

(f) At the time constituencies choose their members they will also choose alternates, at least two each by exempt staff, by classified staff and by faculty, and at least six by the students. Alternates shall be rank ordered by their constituencies.

(3) Terms on the Evergreen council shall be three quarters, staggered by quarters. Members may serve no more than two consecutive terms.

(4) All members of the Evergreen council will serve as facilitators to all members of the Evergreen community in areas of initiative petitions or proposals, help individuals locate the area of responsibility, and otherwise facilitate communication and coordination on campus.

(5) The Evergreen council will select a new moderator and a new recorder for each quarter term. These responsibilities will be rotated through the board membership. The moderator will see that the group meets on a regular schedule and will assure a free and open discussion. The recorder will be responsible for reporting the issues discussed and for providing copies of the minutes to each member of the Evergreen council and to information channels such as the information center, the campus newspaper, and the radio station.

(6) The Evergreen council will elect from its membership an executive committee of four members plus the moderator and the recorder. Each of the four major constituencies will be represented on the executive committee.

(a) The executive committee will meet weekly on a regularly scheduled basis and will be responsible for preparing the agenda for the Evergreen council. The executive committee's primary function will be to insure that the issues placed on the agenda of the Evergreen council warrant attention and that all such issues are placed on the agenda.

(b) At the beginning of each meeting of the Evergreen council, the executive committee will give a brief account of its deliberations, and the moderator will entertain a motion to accept the agenda.

(c) Members of the community wishing to bring a matter before the Evergreen council will petition verbally or in writing the executive committee for a place on the agenda.

(d) In the event that the executive committee rejects a petition, it must respond to the petitioner by issuing a note of response to the petitioner and whomever seems appropriate.

(e) Supervisors will be expected to accommodate their subordinates in discharging Evergreen council obligations, and faculty will be expected to accommodate their students' participation.

(7) The Evergreen council shall establish a quorum.

(8) Any member of the Evergreen council who misses two consecutive meetings without cause shall be dropped from the membership. The executive committee will appoint as replacement the alternate designated by the appropriate constituency. Any member who resigns will be replaced in the same manner.

(9) The Evergreen State College wishes to avoid the usual patterns of extensive standing committees and governing councils. Instead, the community uses short term groups aptly named disappearing task forces (ad hoc committees) for the purposes of gathering information, preparing position papers, proposing policy, or offering advice. The DTF should be composed of as wide a sampling of the community as possible. DTF meetings are public and the DTF must provide advance notice of time, date and locations of meetings.

(a) All DTFs dealing with nontrivial matters will be charged in consultation with the Evergreen council. If triviality is questioned, the Evergreen council will decide. Any member of the community may charge a DTF, or the Evergreen council itself may choose to do so on its own initiative or in response to a petition. The Evergreen council will provide consultation, input, and advice to assist in formulating the charge and in establishing the membership of the DTF. The petitioner or charger will ordinarily be a member of the DTF unless she/he is the appropriate decision-maker.

(b) Minutes of the DTF meetings must be kept and copies forwarded to the Evergreen council. The DTF must submit copies of their recommendations to the appropriate decision-maker, to the Evergreen council and to the petitioner or charger if he/she is not a member of the DTF.

(c) Within three weeks of receipt of DTF recommendations, the decision-maker must submit copies of his/her decision to DTF members, to the Evergreen council and to the petitioner or charger, if she/he is not a member of the DTF.

(10) The Evergreen council will take five types of action by roll call vote, three to be determined by a vote of simple majority as follows:

(a) Comment. This vote means that the council has determined to comment on the issue at hand. A vote to comment requires that the council elect a drafter of the comment to prepare a text to be voted on no later than at the next meeting.

(b) Vote of confidence. The function of this vote is to record the Evergreen council's satisfaction with the present course of events. The vote may, but need not, be accompanied by further remarks.

(c) Vote of no confidence. The contrary to a vote of confidence. Remarks may, but need not, be appended to the vote. The following types of action require two-thirds majority:

(d) Drop. A vote to drop means that the Evergreen council refuses to consider or rule on the issue. Since such a vote would leave a petitioner no recourse but the grievance procedure, a two-thirds majority is required to carry.

(e) Vote of censure. A vote of censure is made against a person, not an action, and must be accompanied by a text to be drafted by a committee of the whole. The text must clearly identify the pattern of actions which the council feels merit the censure. Disapproval of a single act no matter how strong the disapproval, does not alone warrant a vote of censure.

(11) The Evergreen council is to have an active as well as a responsive role and may on its own initiative, add to or displace items on the current agenda or may instruct its executive board to prepare an item for the next meeting. Should an item on the agenda be displaced, then that item has the same status as an item not placed on the agenda by the executive board.

NEW SECTION

WAC 174-108-051 ADMINISTRATIVE EVALUATION. Like the student and faculty evaluation procedures, the administrative evaluation will emphasize growth in learning how to perform more effectively the roles for which the individual is responsible. The procedure will include a large element of self-evaluation and evaluation by peers, but must also include input by other members of the college community (students, staff, faculty) who experience the results of the administrative processes, as well as transcripts of such actions taken by the Evergreen council under WAC 174-108-041(10) which pertain to the person in question. Through this evaluation procedure the community can express itself constructively on the effectiveness of the administrative process and the degree to which it is being responsive to the needs and the long-term interests of that community. Without a smoothly functioning procedure encouraging evaluative contributions from a wide circle of community opinion concerning the administrative performance of the decision-makers in the college, the campus community cannot be expected to place its confidence in the system of governance elaborated here.

AMENDATORY SECTION (Amending Order 76-5, filed 9/22/76)

WAC 174-108-06001 MEDIATION AND ADJUDICATION OF DISPUTES, GRIEVANCES, AND APPEALS. The grievances and appeals system at The Evergreen State College is designed to:

(1) Reflect the character and philosophies of this institution, and be responsive to the particular needs of all members of the Evergreen Community.

(2) Provide a working system which is capable of fair and speedy resolution of conflict and grievance.

(3) Provide a campus adjudicatory apparatus, the authority and thoroughness of which should permit the resolution of disputes within the college. This does not, however, operate in the place of civil authority. To this end, the governance system of this institution abides by applicable portions of the State Higher Education Administrative Procedures Act (chapter 28B.19 RCW).

NEW SECTION

WAC 174-108-06003 INFORMAL MEDIATION PROCEDURES. (1) Members of the Evergreen community who come into conflict with one another should make a determined effort to resolve those problems peacefully and constructively between themselves before relying on the following procedures.

(2) All members of the Evergreen community should feel a heavy responsibility to make every effort to solve individual and community problems imaginatively and constructively without resorting to the mediation and hearing processes.

(3) Informal mediation shall be guaranteed all campus employees and students.

(4) The first attempt at resolution of grievance will be one-to-one mediation.
(5) When unable to work out their differences in this direct fashion, aggrieved parties will select a mutually-agreed-upon third party to hear and to attempt to resolve the dispute. If this third party mediation is desired but one of the parties involved refuses, the campus adjudicator should be contacted for assistance. The adjudicator may appoint a mediator if the parties fail to agree upon one. ("Mediation, N., action in mediating between parties as to effect an agreement or reconciliation . . . mediation implies deliberation that results in solution that may or may not be accepted by the contending parties." Random House College Dictionary, 1969)

(6) The third party mediation process is deliberately left unstructured; this is done to give the mediator the widest possible latitude; the mediator may, at his or her option, adopt any rules or procedures deemed necessary for the orderly resolution of the dispute.

(7) The mediator shall send, within five days after conclusion of mediation, a summary statement of the nature of the conflict to the president's office, and shall send the disputants written notice that mediation has concluded. The mediator shall also outline the steps necessary to petition for formal hearing. Mediation should conclude within fifteen days after a mediator is selected.

NEW SECTION

WAC 174-108-06005 FORMAL HEARING PROCEDURES. (1) A disputant who wishes to pursue resolution of a dispute, after third party mediation has failed to resolve it, may petition the president for a formal hearing (petition contents described below). The petition must be submitted within ten days of conclusion of informal mediation. Within five days after receiving a petition for a hearing board, the president shall forward to the chairperson of the hearing board a copy of the mediator's statement and the petition for hearing. The chairperson of the hearing board will convene the permanent members, who will review the petition and the mediator's statement, and respond in writing to the president within seven days accepting the case as submitted, or clearly stating the conditions which must be met before the request can be accepted. The president will forward the responses to the disputants. Upon acceptance by the hearing board, the president shall convene a formal hearing board, as described below. The hearing board shall operate under formal contested case procedures, described herein and in chapter 28B.19 RCW.

(2) Petition for a hearing:

(a) All requests for hearings shall contain the following:

(i) A specification of charges or issues for review and response; a formal hearing will only reply to charges or issues stated in this section.

(ii) A summary of results of the informal mediation.

(b) The petitioner shall deliver a copy of the petition to the other party or agent in the dispute at the earliest opportunity. The respondent shall be entitled to file a response to the petition filed by the petitioner.

(3) The president or his/her designee shall be responsible for randomly selecting three permanent members of the hearing board, including a student, staff member and faculty member, who will serve for not less than one academic quarter nor more than one year. These three hearing board members shall, by a method selected by themselves, determine who shall be the chairperson.

(4) Before a formal hearing board convenes, the president or his/her designee will select, by a random process, four temporary members from the disputant peer groups, two from each.

(5) They will be included in a pool of available replacements for permanent members that resign from the board entirely. Any such replacements must be from among the peer group of the resigned member.

(6) Any of these seven members is subject to preemptory challenges by each side represented in a dispute before the hearing convenes. Each party may request the removal of two members.

(7) Disputants must show cause for additional challenges, which are unlimited, if good cause is shown. The permanent hearing board members shall judge whether good cause is shown.

(8) If a member of the board wishes to disqualify him or herself from a particular case, he or she may do so by submitting the reasons in writing to the president. Disqualification must occur as soon as possible after the board member reads the particular petition. Substitute members will be selected randomly from the appropriate peer group of the position left vacant.

(9) The first responsibility of hearing board members is to their education and work commitments. To insure that the hearing board does not become unfairly overworked, permanent members may petition the president to convene a supplemental hearing board to hear cases if the board feels it is overloaded.

(10) The three permanent hearing board members will have the obligation of reviewing all hearing board requests for their completeness. This applies to other members of any supplemental boards, also.

(11) The hearing board is a vehicle of COG and cannot hear cases which challenge this governance document. There are established procedures for amending COG. The hearing board will hear cases which involve the need for an interpretation of COG.

(12) Disputes involving personnel action of a formal nature for classified staff are governed by chapter 28B.16 RCW and chapter 251-12 WAC.

NEW SECTION

WAC 174-108-06007 GUIDELINES FOR THE OPERATION OF THE FORMAL HEARING BOARD.

(1) The person pressing the complaint is the petitioner. The person responding to the complaint is the respondent. The petitioner and respondent collectively are known as the disputants.

(2) Both parties in the dispute have a right to a fair hearing.

(3) The president will send disputants written notice of the nature of the grievance ten days in advance of the hearing. Additionally, the president will inform the disputants of the date, time, place of hearing and procedures to be followed. The hearing shall be scheduled within ten days after acceptance by the hearing board unless continued by the hearing board for good cause.

(4) Petitioner and respondent are responsible for reporting the names of their witnesses at least three days in advance of the hearing to the president's office and for insuring that witnesses on their behalf appear at the hearing. Disputants will be advised by the president's office at least two days in advance of the hearing of the names of all witnesses who will appear in the hearing.

(5) When a formal hearing board proceeding is held following conclusion of informal mediation, the formal hearing shall be conducted as if the informal mediation had not commenced or taken place (RCW 28B.19.100(4)). Further, statements, testimony, and all other evidence given during informal mediation shall be confidential and shall not be subject to discovery or released to anyone,

including the officer conducting a formal hearing or the parties involved, without permission of a person who divulged the information (RCW 28B.19.120(4)), and of the disputants. The summary statement of the mediator is not confidential and shall be considered a matter of public record.

(6) Abstracts of all previous decisions will be made available in the president's office for use by hearing boards, disputants, and potential disputants. Hearing boards, although not strictly bound by precedent, will consider them when rendering a decision. Potential disputants should review these abstracts, in order to expedite settlements. It is hoped that the Evergreen community will learn from hearing board decisions and institute them as part of general policy for the college.

(7) A verbatim record shall be kept of all matter presented to the hearing board.

(8) Members of the hearing board shall not discuss the case outside of the hearing, and shall base their decisions upon the record made before them by the disputants.

NEW SECTION

WAC 174-108-06009 PROCEDURE OF HEARING AND DELIBERATIONS. (1) Meetings of the hearing board include hearings and deliberations. Hearings shall be open to the public. Deliberations will be closed unless the board unanimously agrees that they will be open. That decision may be reconsidered at any point during the deliberations. "Open meeting" means that observers not directly involved in the case may observe, but not participate in discussion.

(2) Each party in the dispute will select one spokesperson. Disputants may be represented by a designee not party to the dispute.

(3) The hearing board may wish to have both parties submit to the hearing a short and plainly written statement of the matters of positions asserted before the hearing convenes. And if so, the chairperson will notify each party ten days in advance of the hearing.

(4) The hearing board will set a reasonable time limit for presentation of opening statements, witnesses, supporting evidence, and closing arguments, and so notify the disputants in advance of the hearing. Each side may allocate this time as it sees fit. Time for cross-examination will not count against either side, but may be limited. Time required of resource persons requested by the board will likewise not count against either side, but may be limited. The board may modify the time limit if it feels the need.

(5) Petitioner will first present a brief opening statement. Respondent will next present an opening statement.

(6) Petitioner will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, respondent may cross-examine; re-direct is allowed and recross-examination if necessary.

(7) Respondent will present witnesses along with pertinent, supportive evidence. Subsequent to each witness, petitioner may cross-examine; re-direct is allowed and recross-examination if necessary.

(8) Petitioner will present his/her closing arguments, then respondent will present his/her closing arguments.

(9) The chairperson of the hearing board is responsible for the smooth functioning of the hearing. The chairperson may interrupt to keep the hearing pertinent to the issues, keep hearsay evidence off the records, etc. The chairperson shall rule on procedural objections from the disputants. Any hearing board members may interrupt the proceedings to ask questions which they feel are important to their understanding of the issues or facts.

(10) The board may grant delays in the hearing proceedings for valid reasons. For example, the board may wish to allow temporary adjournment to permit a party to respond to new and unexpected material coming to light during the hearing, if allowed to be submitted by the hearing board.

(11) The hearing board, in deliberating, will only consider the merits of the case and not the consequences of their decision.

(12) The hearing board, will, within ten days of the close of the hearings, provide to both parties written notice of its decision.

(13) The public shall have access to a transcript or record of the hearings and findings of the hearing board. Hearing board members may elect, upon group unanimous vote, to divulge the contents of closed deliberations verbally or in written form. The record in a contested case shall include:

- (a) All documents, motions, and intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and rulings thereon;
- (e) Proposed findings and exceptions; and
- (f) Any decision, opinion, or report by the chairperson presiding at the hearing.

(14) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefore and payment of the costs thereof. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

NEW SECTION

WAC 174-108-06011 FURTHER GRIEVANCE PROCEDURES. (1) Appeal within the institution beyond the campus hearing board can be made by a petition to the board of trustees. Such an appeal request may only be accepted if any of the conditions listed under RCW 28B.19.150(6) apply. The decision can be challenged if it:

- (a) Is in violation of any state or federal constitutional provision; or
- (b) Is in excess of the statutory authority or jurisdiction of the institution; or
- (c) Is made upon unlawful procedure; or
- (d) Is affected by other error of law; or
- (e) Is clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (f) Is arbitrary or capricious.

(2) If neither party appeals within ten days of issuance, the board of trustees may, within thirty days of issuance, review the decision on its own motion and affirm, modify, or reverse that decision.

AMENDATORY SECTION (Amending Order 74-3, filed 6/18/74)

WAC 174-108-07001 EVALUATION OF GOVERNANCE. Necessary and essential amending of this document is to be accomplished at any time through the initiative procedure contained herein. In addition, the president will at the end of every three years ask the Evergreen council to convene a DTF on governance which will include faculty, staff, students, Evergreen graduates and a member of the board of trustees to evaluate the Evergreen governance system. It will be the responsibility of the DTF to affirm the effectiveness of the system or to propose changes. When the DTF has completed its deliberations, it will schedule a series of open meetings inviting all members of the campus community to discuss further revision before forwarding the final document to the president.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 174-108-04001 PATTERNS OF ADMINISTRATIVE DECISION-MAKING.
- (2) WAC 174-108-05001 INITIATIVE PROCESSES.