

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

Thursday, October 19, 1978  
The Evergreen State College Campus  
Daniel J. Evans Library, Room 3112

Trustees Present: Wesley E. Berglund      Absent: Herbert D. Hadley  
Robert J. Flowers  
Halvor M. Halvorson  
Jane B. Sylvester

Staff Present: John Aikin, Director of Computer Services  
Walker Allen, Registrar  
Judy Annis, Director of Information Services  
Mike Bigelow, Budget Officer  
Bill Brown, Member of the Faculty  
Yuki Chancellor, Custodial Services Manager  
(Seated at Board table)  
Dean Clabaugh, Administrative Vice President  
Les Eldridge, Assistant to the President  
Daniel Evans, President  
Rita Grace, Recording Secretary  
Will Humphreys, Academic Dean  
Vicki Iden-McKinlay, Admissions Program Assistant  
Rindetta Jones, Affirmative Action Officer  
Rudy Martin, Member of the Faculty  
(Seated at Board table)  
Kris Robinson, Space Analyst  
Niels Skov, Member of the Faculty  
Pat Sparks-Cauchy, Admissions Counselor  
Robert Strecker, Director of Facilities  
Ernest Thomas, Director of Educational Support Programs  
Byron Youtz, Vice President and Provost  
See permanent roster for others attending

Others Present: Ed Arnone, The Daily Olympian  
Bill Hucks, Student (Seated at Board table)  
Richard Montecucco, Senior Assistant Attorney General  
See permanent roster for others attending

CALL TO ORDER, INTRODUCTION OF GUESTS, AND APPROVAL OF MINUTES - Action

The meeting was called to order by Chairman Halvorson at approximately 10:45 AM.

Mr. Halvorson introduced the student, staff, and faculty representatives who will be seated with the Board this year. President Evans introduced Ed Arnone, newly assigned by the Daily Olympian to cover Evergreen, and acknowledged Pat Sparks-Cauchy's termination to move to Michigan.

Motion  
78-47

Mr. Flowers moved approval of the minutes of the September 21, 1978 meeting as submitted. Seconded by Mr. Berglund and passed.

ITEM DEFERRED

Agenda Item No. 5, Appointing Authority Resolution, was deferred until the next meeting.

TABLE OF ORGANIZATION - Action

President Evans proposed reorganization to place the Director of Development and the new position of Director of Institutional Research under the Assistant to the President. Les Eldridge reported on the status of the searches for directors of development and of institutional research, announcing that Duke Kuehn, member of the faculty, is serving on a half-time basis as interim Director of Institutional Research.

Motion  
78-48

Mr. Flowers moved approval of Resolution No. 78-3, entitled "Resolution of the Board of Trustees of The Evergreen State College providing for the college's organizational table and the method for its change," which reflects a Director of Development and a Director of Institutional Research reporting to the Assistant to the President. Seconded by Mrs. Sylvester and passed.

BID AWARD FOR VANCOUVER BARRACKS REMODELING - Action

Mr. Strecker requested formal approval of this rebid project for the Evergreen outreach program in Vancouver. The Officers' Barracks has been leased to the college by the Veterans' Administration for a three-year period.

Motion  
78-49

Mr. Flowers moved formal approval of award of construction contract to RSV Construction, Inc. of Vancouver, low bidder for Project No. 78-200, re-bid of the Officers' Barracks Remodeling at Ft. Vancouver in the amount of \$33,858. Seconded by Mr. Berglund and passed.

INFORMATION ITEM: MEETING OF THE NATIONAL ADVISORY COMMITTEE TO THE VA

President Evans reported on his attendance at a meeting (while in Washington, D. C. last week) of the National Advisory Committee to the Veterans' Administration called for the purpose of hearing the report of five studies the VA had commissioned, including the Shannon report on 12-hour seat time.

PUBLIC HEARING

At 11:03 AM the Board convened a public hearing to discuss revision to two policies.

SOCIAL CONTRACT - Action

Motion  
78-50

Mr. Berglund, in accordance with Administrative Procedures Act requirements, moved approval of revision to WAC 174-124-020 through -120 (attached) relating to the Social Contract for members of the college community. Seconded by Mrs. Sylvester and passed.

FACILITIES USAGE FOR ON-CAMPUS EVENTS AND APPEARANCES POLICY - Action  
(Continuation Notice)

Kris Robinson reviewed the revisions with the Trustees. Since additional revision was desired, Rita Grace clarified procedures regarding continuation hearing.

Motion  
78-51

In order to comply with Administrative Procedures Act requirements, Mr. Flowers moved that a continuation notice be filed with the Code Reviser's office to allow further revision to WAC 174-136-010 through -022, relating to a policy for facilities usage for on-campus events and appearances and that the public hearing be continued at the next meeting. Seconded by Mr. Berglund and passed.

PRESIDENT'S REPORT:

Enrollment (Evans)

President Evans discussed the tenth-day enrollment figures, informing the Trustees that total enrollment was 2322 (down from 2544 last year), and responded to questions.

Design for Enrollment DTF (Evans)

President Evans informed the Trustees of the creation of a task force to devise a comprehensive plan for student attraction and retention, commenting that the chairperson will be asked to report on progress at the next Board meeting.

Affirmative Action (Jones)

- 1) Affirmative Action Plans for (a) Disabled and Vietnam-Era Veterans; and (b) Handicapped Persons.

Governor Ray's Executive Order 77-10 requested that state agencies develop a plan for disabled and Vietnam-Era veterans; Executive Order 78-1 directed that barriers to employment of the handicapped be eliminated and that reasonable accommodations be made to ensure the inclusion of handicapped individuals in the work force.

Ms. Jones indicates that the two proposed policies, which have been reviewed by the college's legal counsel and the Higher Education Personnel Board, were being presented for information and discussion at this time, followed by action later, and recommended these policies become part of the Evergreen Administrative Code.

- 2) WAC 174-140-010 through -120, Human Rights Policy.

Ms. Jones told the Trustees that the changes proposed were primarily to reflect the above two policies and new definitions; she recommended the Trustees schedule a public hearing.

Motion  
78-52

Mr. Flowers moved to submit notice for a public hearing to consider revisions to the human rights document. Seconded by Mr. Berglund and passed.

3) Annual Affirmative Action Report.

Ms. Jones summarized the areas of under-utilization according to goals and timetables in the human rights document and discussed availability data and other aspects of the report.

Ms. Jones also provided handouts consisting of: (a) adjunct faculty listing 1976-78; (b) 1977-78 external credit report; and (c) Rita Cooper's 9/28/78 memo re: handicapped.

RECESS

The Trustees recessed for lunch at 12:05 PM and reconvened the special meeting at 2:00 PM.

Affirmative Action - Continued

Ms. Jones, at President Evans' request, gave a personal overview of the direction she felt the college ought to take regarding attracting Third World students and faculty, and responded to Trustee questions. The college has a higher percentage of Third World students this quarter as compared to last year.

Enrollment - Discussion Continued

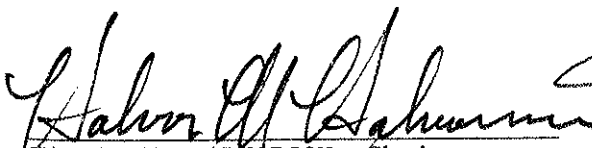
Chairman Halvorson requested the President, the Vice Presidents, and others present to give the Board their personal opinions as to why enrollment was down, asking in most cases whether the academic programs were at fault. Responses supported academic programs and the innovative way in which credit is earned at Evergreen.

Among the reasons discussed were: low student visibility because of the way in which programs are structured; inaccurate stories making headlines at a critical recruitment time; lack of space for student activity on campus and in residence halls; image problem that needs time to turn around; etc. Some examples of success are: accreditation received a year early; quality of students graduating as evidenced by graduate placement into jobs and graduate schools; supportive report received from the Citizens Evaluation Committee.

DATE OF NEXT MEETING, EXECUTIVE SESSION, AND ADJOURNMENT

The date of the next meeting was set for Monday, November 13.

At 2:50 PM, the Trustees went into an executive session to discuss a matter of personnel; the Board reconvened to adjourn the meeting at approximately 4:40 PM.

  
HALVOR M. HALVORSON, Chairman

  
WESLEY E. BERGLUND, Secretary



THE EVERGREEN STATE COLLEGE

RESOLUTION NO. 78-3

RESOLUTION OF THE BOARD OF TRUSTEES OF  
THE EVERGREEN STATE COLLEGE  
PROVIDING FOR THE COLLEGE'S ORGANIZATIONAL TABLE  
AND THE METHOD FOR ITS CHANGE

The organizational table of The Evergreen State College as of the date of this resolution provides for a President, a Vice President and Provost, and an Administrative Vice President, with the following exempt administrative positions reporting directly thereto:

To the President (in addition to the Vice Presidents), an Administrative Assistant, an Assistant to the President, and an Affirmative Action Officer;

To the Vice President and Provost, an Administrative Secretary, an Administrative Assistant, two Academic Deans, a Director of Cooperative Education, a Director of Educational Support Programs, and a Dean of Library Services;

To the Administrative Vice President, an Administrative Secretary, a Director of Information Services and Publications, a Budget Officer, a Director of Facilities, a Director of Personnel, a Director of Recreation and Campus Activities, a Business Manager, a Director of Computer Services, and a Dean of Enrollment Services;

To the Assistant to the President, a Director of Development and a Director of Institutional Research.

The organizational table may be changed only after approval of the Board of Trustees.

Adopted by the Board of Trustees  
October 19, 1978

## Social Contract (Community Code of Conduct)

WAC 174-124-020 Basic Purposes -- Individual Responsibility of Members of the College Community

- (1) The Evergreen State College is an association of people who come together to learn and to help each other learn. Such a community of learners can thrive only if each member respects the rights of others while enjoying his own rights. It depends heavily on a network of mutual trust and an atmosphere of civility; and it grows in its human utility only if each of its members lives up to the responsibilities for honesty, fairness, tolerance, and the giving of his best efforts as those efforts are entailed by his membership. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degrees and kinds of experience they bring to Evergreen, and in the functions which they have agreed to perform. But all must share alike in prizing academic and inter-personal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

Amended

- (2) These considerations directly imply the necessity of an organized structure to achieve the goals of more effective learning, a system of governance that encourages widespread participation in the making of college decisions (See Governance and Decision-Making at Evergreen, statement of 10 June, 1971), and a full awareness on the part of every member of the community of how his behavior influences the climate and the spirit of the campus. If the spirit and climate of the college are to promote learning most effectively, then each member of the community must protect in an active, thoughtful, and concerned way:

- (a) the fundamental rights of others in the community as citizens,
- (b) the right of each member of the community to pursue different learning objectives within the limits defined by Evergreen's resources in people, materials and equipment, and money,
- (c) the rights and obligations of Evergreen as an institution established by the State of Washington, and
- (d) the rights of all members of the community to fair and equitable procedures for determining how, when, and against whom the community must act when its safety or its integrity has been damaged.

Even more important, however, is the requirement, difficult to define and impossible to legislate, that each member of the Evergreen community concern himself with how the college can become a more productive, more humane, and more supportive place in which to learn. This requirement entails an explicit and continuing consideration of the delicate balances in the relationship of the members of the Evergreen community to each other and to the institution itself.

## SOCIAL CONTRACT

## AMENDATORY SECTION (Amending Order 2, filed 2/22/72)

WAC 174-124-020 BASIC PURPOSES -- INDIVIDUAL RESPONSIBILITY OF MEMBERS OF THE COLLEGE COMMUNITY.

(1) The Evergreen State College is an association of people who work together as learners and teachers. Such a community can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators and staff members may differ widely in their specific interests, in the degrees and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform, but all must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration. In its life as a community The Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules.

(2) The individual members of the Evergreen community have the responsibility for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. At the same time, it also must guarantee the right of the members of the community to voice their opinions with respect to basic matters of policy and other issues.

(3) As a community, Evergreen, through its governance structures, has both the right and the obligation to establish reasonable standards of conduct for its members in order to safeguard the processes of learning, to provide for the safety of its members, to protect the investment of the people of the State of Washington in its properties and to insure a suitable respect for the very different tastes and sensibilities of its members. For these reasons, the law empowers the president or presidential designees to intercede whenever sound judgment points to a clear and present danger to these concerns.

(4) Each member of the community must protect: (a) The fundamental rights of others in the community as citizens, (b) the right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources in people, materials, equipment and money, (c) the rights and obligations of Evergreen as an institution established by the State of Washington, and (d) individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.

10/19/78

WAC 174-124-030 Individual Rights of Members of the Evergreen Community

- Amended*
- (1) Members of the Evergreen community recognize that the college is inherently and inescapably a part of the larger society as represented by the State of Washington, which funds it, and by the community of greater Olympia, in which it is located. From this state of affairs flow certain rights for the members of the Evergreen community, certain conditions of campus life, and certain obligations.
  - (2) Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of belief, and freedom from personal force and violence, from threats of violence, and from personal abuse.
  - (3) Freedom of the press implies the right to freedom from censorship in campus newspapers and other media. Consequently, such publications are subject to the usual canons of responsible journalism, to the law of the press, and to the same conditions of self-maintenance that apply to other forms of public communication.
  - (4) There may be no discrimination at Evergreen with respect to race, sex, religious or political belief, or national origin with respect to admission, employment, or promotion.
  - (5) Because the Evergreen community is not separate or segregated from the larger society, the campus is not a sanctuary from the general law or invulnerable to the general public interest. The members of the Evergreen community are therefore obligated to deal with the relationship between the campus and the larger society with balance of forthrightness and sensitivity, criticism and respect, and an appreciation of the complexities of social change and personal differences.
  - (6) The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make their statements in their own names and not as expressions of the college.
  - (7) Each member of the college community has the right to organize his own personal life and conduct according to his own values and preferences so long as his actions accord with the general law, are in keeping with agreements voluntarily entered into, evince an appropriate respect for the rights of others to organize their lives differently, and advance (or at least do not interfere with) the community-wide purpose of more effective learning. In short, Evergreen does not stand in loco parentis for its members.

AMENDATORY SECTION (Amending Order 2, filed 2/22/72)

WAC 174-124-030 INDIVIDUAL RIGHTS OF MEMBERS OF THE EVERGREEN COMMUNITY.

- (1) Members of the Evergreen community recognize that the college is part of the larger society as represented by the State of Washington, which funds it, and by the community of greater Olympia, in which it is located. From this state of affairs flow certain rights for the members of the Evergreen community, certain conditions of campus life, and certain obligations.
- (2) Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence and abuse.
- (3) There may be no discrimination at Evergreen with respect to race, sex, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment or promotion. To this end the college has adopted an affirmative action policy (references Evergreen Administrative Code WAC 174-148, Equal Opportunity Policies and Procedures - Affirmative Action Program).
- (4) Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.
- (5) The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college.
- (6) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.
- (7) Evergreen does not stand in loco parentis for its members.
- (8) The right to use the mediation and adjudication process is enjoyed by all members of the Evergreen community. (Reference: WAC 174-108-06001 Mediation and Adjudication of Disputes, Grievances and Appeals).

10/19/78

12/5/73

00115

- (1) As a community of people who have come together to learn and to help one another to learn more effectively, Evergreen's members live under a special set of rights and responsibilities. Foremost among these rights is that of enjoying full freedom to explore the nature and implications of ideas, to generate new ideas, and to discuss their explorations and discoveries in both speech and print without let or hindrance. Both institutional censorship and intolerance by individuals or groups are at a variance with this basic freedom. By a similar token, research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, also violate the principle of free inquiry. *Amended*
- (2) Serious thought and learning entail privacy. Although human accessibility is a basic value, and although meetings of public significance cannot properly be held in secret, all members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.
- (3) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. In order to protect the safety of the community and to respect the equal rights of those who choose not to participate, reasonable and impartially applied rules, following established procedures of governance (See Governance and Decision-Making at Evergreen), may be set with respect to time, place and use of Evergreen facilities in these activities.
- (4) Honesty is an essential condition of learning. Honesty includes (although it is not limited to) the presentation of only one's own work in one's own name, the full consideration of evidence and logic even when they contradict a cherished personal point of view, and the recognition--insofar as it is humanly possible--of biases and prejudices in oneself as one strives to become a more effective learner.
- (5) Another essential condition of learning is the full freedom and right on the part of individuals and groups to the expression of minority, unpopular, or controversial points of view. If the Evergreen community is to prove valuable to all its members, this right must be especially cherished, particularly when the predominant current of opinion, regardless of its character or its content, runs strong.
- (6) Related to this point is the way in which civility is a fundamental condition of learning. Only if minority and unpopular points of view are accorded respect, are listened to, and are given full opportunity for expression will Evergreen provide bona fide opportunities for significant learning as opposed to pressures, subtle or overt, to ride the main tides of purely contemporary opinion.
- (7) All members of the Evergreen community--students, staff, faculty, administrators, trustees, and all others--are under an obligation to protect the integrity of Evergreen as a community of learners from external and internal attacks, and to prevent the financial, political, or other exploitation of the campus by any individual or group.

## AMENDATORY SECTION (Amending Order 2, filed 2/22/72)

## WAC 174-124-040 CONDITIONS OF LEARNING -- FREEDOM -- PRIVACY -- HONESTY.

- (1) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying full freedom to explore ideas and to discuss their explorations in both speech and print without let or hindrance. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, also violate the principle of free inquiry.
- (2) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution. Meetings of public significance cannot be properly held in secret.
- (3) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set, with respect to time, place and use of Evergreen facilities in these activities.
- (4) Honesty is an essential condition of learning. Honesty includes the presentation of only one's own work in one's own name, the full consideration of evidence and logic, and the recognition of biases and prejudices in oneself.
- (5) Another essential condition of learning is the full freedom and right on the part of individuals and groups to the expression of minority, unpopular, or controversial points of view.
- (6) Related to this point is the way in which civility is a fundamental condition of learning. Only if minority and unpopular points of view are accorded respect, are listened to, and are given full opportunity for expression will Evergreen provide bona fide opportunities for significant learning.
- (7) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.

10/19/78

00116



- Amended*
- (1) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the community. (See Governance and Decision-Making at Evergreen, sections on the College Forum and on the College Sounding Board.)
  - (2) The college has the obligation to prohibit the use of its name, its finances, and its facilities for commercial purposes.
  - (3) Evergreen has the right to prohibit individuals and groups who are not members of its community from using its name, its financial or other resources, and its facilities for commercial, religious, or political activities. This right is balanced by an obligation to formulate and to administer its policies in this regard in an even-handed manner.
  - (4) The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.
  - (5) The individual members of the Evergreen community have the responsibility for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. At the same time, it also must guarantee the right of the members of its community to be heard at appropriate levels of decision-making with respect to basic matters of policy and other issues of direct concern. As a community, Evergreen, through its governance structures, has both the right and the obligation to establish reasonable standards of conduct for its members in order to safeguard the processes of learning, to provide for the safety of its members, to protect the investment of the people of the State of Washington in its properties, and to insure a suitable respect for the very different tastes and sensibilities of its members. For these reasons, the law empowers the President or his designees to intercede whenever, in his (or their) judgment, a clear and present danger to these concerns exists.

## WAC 174-124-120 Procedural Review--Subsequent Modification of Rules

- Amended*
- (1) In both this statement of the Evergreen social contract and in Governance and Decision-Making at Evergreen, a number of important procedural clarifications are still necessary. Several members of the present task force on the social contract have expressed interest in helping to formulate these procedures and to work them out in the necessary greater detail. If acceptable to the community, then the appropriate members of the task force and interested members of the Committee on Governance could profitably assemble to identify the problems and to begin to solve them.

## AMENDATORY SECTION (Amending Order 2, filed 2/22/72)

## WAC 174-124-050 INSTITUTIONAL RIGHTS AND OBLIGATIONS.

- (1) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.
- (2) The college has the obligation to prohibit the use of its name, its finances, and its facilities for commercial purposes.
- (3) Evergreen has the right to prohibit individuals and groups who are not members of its community from using its name, its financial or other resources, and its facilities for commercial, religious, or political activities.
- (4) The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

10/19/78

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 174-124-010 INTRODUCTION -- DECLARATIONS OF COLLEGE POLICY.
- (2) WAC 174-124-060 THE ISSUE OF STRIKES -- BOYCOTTS -- SANCTIONS.
- (3) WAC 174-124-070 JUDICIAL ACTION.
- (4) WAC 174-124-080 INFORMAL MEDIATION.
- (5) WAC 174-124-090 FORMAL MEDIATION -- COMMUNITY SERVICE LIST.
- (6) WAC 174-124-100 APPEAL PROCEDURE -- BOARD OF JUDGMENT.
- (7) WAC 174-124-110 OFF-CAMPUS OFFENSES OR CONVICTIONS -- ALL-CAMPUS BEARING BOARD.

## AMENDATORY SECTION (Amending Order 2, filed 2/22/72)

## WAC 174-124-120 PROCEDURAL REVIEW -- SUBSEQUENT MODIFICATION OF THE SOCIAL CONTRACT.

This document shall be reviewed with each review of the covenant on governance.

*Repealed*

- (1) In its life as a community, The Evergreen State College requires a social contract rather than a list of specific prohibitions and essentially negative rules. The contract, open to modifications over time and responsive to the changing circumstances sure to attend the institution's future, represents a commitment by each one of us to search for the set of agreements that define the spirit that we are trying together to engender at the college, that indicate the conditions that support the primary purposes for which Evergreen was called into existence, and that specify the principles under which all of us can live together as civilized and decent people who share the often very different excitements of learning.
- (2) Closely related to governance and decision-making at Evergreen, this document summarizes the discussions to date of the concerns affecting the relationships of the members of the Evergreen community to themselves, to each other, to the college as an institution, and to the larger society of which that institution is necessarily and inescapably an agency. As a compact among people, this social contract calls for all associated with Evergreen--students, faculty and staff, and trustees--to be signatories to it. Two issues of a procedural kind must be dealt with: one has to do with the process by which members of the community "become signatories"; the other focuses on the matter of timing.
- (3) The suggestion offered here is that the social contract, along with governance and decision-making at Evergreen, be published in the catalog and that this publication be accompanied by a statement indicating that all persons who become affiliated with the college as students or as employees agree as a condition of acceptance or employment to conduct themselves according to the principles embodied in these documents. This arrangement precludes the necessity of collecting signature cards and of requiring the occasionally distasteful signing of formal "oaths."
- (4) On the matter of timing, the recommendation submitted at this point is that the social contract be accepted as the basis for the college's operations during 1971-1972, a year during which further discussions can be held with respect to its spirit, its principles, and its language. With its publication in the catalog for 1972-1973, the force of its contractual implications becomes official. Patterned in this manner, ex post facto considerations are avoided, and all of those presently on the Evergreen campus will have the necessary and appropriate chance to react to a statement of considerable importance to them but which was not available for their consideration prior to their joining the college community.

12/3/73

00118

*Repealed*

00119

- (1) The strike, including such variant procedures as the boycott and the prolonged demonstration, has been formally institutionalized in industrial society as one means of effecting change. It is recognized at law, has generated its own official personnel, and operates according to relatively common understandings. Because the strike bases itself in adversary rather than collaborative relationships, it is an inappropriate means of seeking change at Evergreen. Nevertheless, an awareness of human frailty and the complexity of our times suggest that, in spite of hopes that strikes will not need to occur within our community, wisdom and prudence call for some relevant concepts and policies from the outset.
- (2) As an effective means of demonstrating moral commitment and the courage of one's convictions, a strike entails costs; those who choose to strike must put something of value on the line that they choose to draw. Otherwise, a strike readily degenerates into a kind of hybrid--part party and part parade with little moral or intellectual meaning. It is for this reason that industrial workers do without their pay when they, for explicit purposes, withhold their labor.
- (3) Because there is no reason for a campus to enjoy exemptions from these principled conditions, two entailments follow: First, both as an institution and as a community, Evergreen has the right to deny pay and academic credit to its members who participate in strikes. Second, that right is balanced by an obligation to accept legally conducted strikes without dismissing those who participate in them.
- (4) Difficulties here are more probable in connection with the denial of credit than with the denial of pay. If striking students are able to meet their full academic obligations, then the notion of Evergreen as a community of learners argues against their having credit withheld. The judgment of program coordinators and of supervisors of learning contracts has a central and basic importance here; but when program coordinators and supervisors of contracts may also have been involved in a strike, then the question arises of the extent to which their judgment is uncontaminated and of how free they may be from conflicts of interests. Specific and detailed procedures must be developed to cope with these contingencies, but the basic means of arriving at equitable decisions are provided by the sections on adjudication in Governance and Decision-Making at Evergreen.

WAC 174-124-070 Judicial Action

*Repealed*

Although the mechanisms of suit and litigation are obviously essential at Evergreen, they represent the last resort within a viable community. In this social contract among Evergreen's members, our concern is less on governmental and policy-oriented issues, which are covered primarily by Governance and Decision-Making at Evergreen, and more on the personal relationships among its members and between various groups, both formal and informal, that may come into existence. In these realms of human relationships, judicial action is a less desirable way of resolving difficulties in a genuine community than are more informal methods of mediation. The processes outlined here touch therefore on three levels of conflict-resolution: internal mediation, formal mediation, formal adjudication and enforcement, and, where necessary, a means of appeal.

*- Repealed*

To begin with, it is expected that members of the Evergreen community who come into conflict with one another will make a determined effort to resolve their problems peacefully and quietly by themselves. When unable to work out their differences in this direct fashion, then they may resort to informal mediation in which no records are kept, no formal bodies are convened, and no "law" need be (although it may be) referred to other than the terms of this social contract. By mutual agreement, the parties to a dispute may call in a third party of their own choice to help them; they may request counseling help from some other member of the community; they may invite or accept intervention by one of the student facilitators, or they may select a moderator from the community service list. These possibilities are not at all exhaustive; the people in conflict can choose any other method that is mutually acceptable to help them clear up their problems in a peaceful and quiet fashion. The great majority of disputes are expected to find resolution at this informal level, and the obligation of the community is to insure the availability of these kinds of methods.

## WAC 174-124-090 Formal Mediation Community Service List

- Repealed*
- (1) When informal processes fail to produce satisfaction, then the parties to a dispute may, following procedures outlined in Governance and Decision-Making at Evergreen, convene a jury from the community service list to decide the issue before them. To convene the jury, evidence must be presented that informal efforts at settlement have been tried in a bona fide way. The task of the jury is essentially that of mediation; its functions are to resolve a conflict, to provide guidelines for the disputants to consider in their future conduct, and to record its opinion. Although its judgment is final, it has no power to enforce its findings or to penalize the party to the conflict whom it finds at fault if, indeed, it identifies one of the disputants as "wrong" in some sense.
  - (2) Only if, after such a jury decision, the conflict or dispute flares anew is a board of judgment convened, again from the community service list, with powers of enforcement and penalty. The board is bound by the opinion of the preceding jury. Its task is to determine whether that opinion has been violated, to enforce that opinion and to apply suitable penalties when necessary, and to record its action.

## WAC 174-124-100 Appeal Procedure Board of Judgment

*- Repealed*

If the action by the board of judgment is unsatisfactory, then an application for appeal may be entered with the all-campus hearing board. The all-campus hearing board may accept or reject the appeal. If it accepts, then it has the power to review the original opinion of the jury as well as to consider the actions by the board of judgment. The only appeal within the institution is by petition to the Board of Trustees. The Board of Trustees may also, on its own motion, review the decision of the all-campus hearing board and affirm, modify, or reverse that decision.

## WAC 174-124-110 Off-Campus Offenses or Convictions All-Campus Hearing Board

- Repealed*
- (1) There remains the problem of double jurisdiction of the



very real one, but the general principle is that, unless *Rephrased* the nature of the offense raises questions about the suitability of the person's membership in the Evergreen community, his payment of penalties exacted by the general law of our society absolves him from paying additional penalties under the rules of the college. This position is consistent with the fact that Evergreen does not stand in loco parentis. An additional entailment of this stance, however, is that the college cannot properly intervene in behalf of its members if and when they come afoul of the general law. This position in no way precludes, of course, actions by individuals in their own names and on their own responsibility; such actions fall within the inherent rights of citizenship fully recognized by Evergreen.

- (2) The question of a general community interest may be raised only when members of the Evergreen community have been convicted of off-campus offenses. When, in the light of such a conviction, a member of the Evergreen community believes that the offender has, by the nature of his offense, demonstrated a lack of fitness to continue as a student or an employee of the college, he may request in writing a hearing on the issue by the all-campus hearing board. Initiative rests entirely with the person who is involved.
- (3) When hearings are requested, they must, of course, be conducted in public. If the finding of the all-campus hearing board is unsatisfactory, then a petition for appeal may be filed with the Board of Trustees of The Evergreen State College. If the appeal is accepted, then the hearing by the Board of Trustees must be held promptly and in public with its decision being final. In accepting an appeal, the Board may, however, appoint a panel of hearing officers to take testimony which the Board will then review in arriving at its decision. On its own motion, the Board of Trustees may also review any decision of the all-campus hearing board and affirm, modify, or reverse that decision.

12/3/73