

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

Wednesday, December 9, 1987  
Daniel J. Evans Library  
Olympia, Washington

Trustees Attending: Kay Boyd

Herbert Gelman  
George E. Mante  
William T. Robinson  
David K. Y. Tang  
Allan M. Weinstein

Absent: Richard S. Page

Representatives  
to the Board  
Present:

Pamela T. Bowe, Alumni  
Lincoln Post, Student

Staff Present:

John Aikin, Member of the Faculty  
Pris Bowerman, Member of the Faculty  
Don Chalmers, Director of Corporate & Foundation  
Relations  
Rita Cooper, Director of Employee Relations  
Kathleen Garcia, Staff Assistant in the President's Ofc  
Rita Grace, Administrative Assistant to the President  
Patrick Hill, Vice President and Provost  
Masaharu Jones, Internal Auditor  
Stan Marshburn, Assistant to the President  
Gail Martin, Vice President for Student Affairs  
Margarita Mendoza de Sugiyama, Affirmative Action Office  
Shawn Newman, College Legal Counsel  
Joseph Olander, President  
Wen-Yee Shaw, Health Care Specialist  
Mike Wark, Information Specialist  
Sue Washburn, Vice President for Development and  
Administrative Services  
Ken Winkley, Association VP for Administrative Services  
Karen Wynkoop, Assistant VP for Academic Budget and  
Financial Planning  
See permanent roster for others attending

Others Attending:

Dale Larson, Student  
Arthur West, Former Student

Due to inclement weather and road conditions, the starting time was delayed  
until 10:00 AM, at which time Chairman Tang called the meeting to order.  
President Olander introduced Masaharu Jones, newly appointed Internal  
Auditor.

12/09/87

**CHAIRMAN'S/PRESIDENT'S REPORTS**

Chairman Tang reported he had attended the December 8 Association of University Boards meeting. A future seminar is being planned in early January on the HEC Board master plan. The focus will be on the Trustees and Regents and perspectives they bring to the issues. Issues would be limited to (1) overall goal for higher education in the state; (2) SAFE funding approach; (3) delivery system (access and branch campuses); and (4) assessment issues. Trustees and regents from two-year and four-year institutions will be invited, along with key legislative members, legislative and Governor's office staff.

President Olander discussed the following issues: (1) the Governor's request for contingency plans - he reviewed the College's proposed plan for accommodate the requested 4% cut totaling \$1,207,000 (proposal included deferred expenditure of uncommitted second year funds; selected expenditure reductions for programs 01-09, excluding program 03; and an across the board cut of 4% to program 03). (2) feasibility of capital campaign - President Olander announced that, prior to engaging in a capital campaign, he would like to proceed with a pre-campaign planning period and take six or seven months to look at volunteer leadership, and table of needs. He will make a formal recommendation to the Board later. (3) Minority faculty recruitment - President Olander announced the College has a substantial number of minority candidates for the 14 advertised faculty positions. (4) Seattle Resource Center for Handicapped - he discussed potential relationship to the College for sensory and physically handicapped.

**APPROVAL OF MINUTES - Action**

**Motion** Ms. Boyd moved approval of the minutes of the November 18, 1987  
**87-37** meeting as distributed. Seconded by Mr. Mante and passed.

**APPROVAL OF UNION CONTRACT - Action Deferred to Later in Meeting**

Ken Winkley expressed appreciation to the Board and to President Olander for the support and confidence the management negotiating team received during the negotiations. He also gave credit to members of the union and management negotiating committees for the collaborative efforts of each team. He began a review of each article of the contract and discussed new and revised sections.

Chairman Tang requested an executive session for the detailed discussion of the articles because of the potential bargaining nature of the issues which might be raised. Trustees agreed to proceed with the remainder of the agenda and then continue this discussion in executive session.

**PUBLIC HEARING: REPEAL OF WASHINGTON ADMINISTRATIVE CODE POLICIES - Action**

President Olander mentioned that a year and a half ago the Board mandated that the President update the legal context by which the College operates by reviewing the Evergreen Administrative Code and the Washington

12/09/87

Administrative Code to eliminate rules and regulations which are no longer relevant, have been invalidated by state law, or which are unnecessary or bureaucratic in nature. These repeals do not represent a change in College policy but reflect adjustments to update rules and regulations and bring clarity to College policy. Chairman Tang underscored these comments, reinforcing the fact that none of the changes were of a substantive nature but were strictly procedural.

Shawn Newman opened the public hearing portion of the meeting and discussed each of the proposed repeals.

- (1) Chapter 174-12 (Equal Opportunity & Affirmative Action), Chapter 174-109 (Affirmative Action), and Chapter 174-148 (Equal Opportunity Policy and Procedure--Affirmative Action Program). Since these regulations were drafted, the Higher Education Personnel Board and the Human Rights Commission now have authority in this area and preempt Evergreen's policies.
- (2) Chapter 174-104 (Regular and Special Meetings of the Board of Trustees). State law already covers; existing rules are outdated and this doesn't need to be in the Washington Administrative Code as long as it is in Board bylaws.
- (3) WAC 174-112-010 to -030 (Staff Educational Benefits). This policy, adopted by the Board in 1972, has been replaced by adoption of an Evergreen Administrative Code in 1981. Since then, the state has also adopted a law which governs staff benefits.
- (4) WAC 174-108-010 to -08001 (Governance and Decision Making at Evergreen). In July, 1983, the Board repealed this section and replaced it with WAC 174-070-200 through -550. However, the repeal was not properly filed and the permanent repeal was never effectuated.
- (5) WAC 174-112-070 to -090 (Release of Personnel Information). State law governs public records. This policy should be repealed because of the conflict between this policy and state law.

Student Dale Larson expressed concern over repeal of WAC 174-108-010, particularly subsection (e) regarding decisions being made in consultation with affected parties. He recommended this section not be repealed until it could be further studied by students, staff, and faculty. President Olander pointed out that the repeal would actuate the Board's July, 1983 action. In addition, the entire governance procedure is currently being studied. Chairman Tang thought this issue could be revisited on a substantive matter at another time rather than as part of this procedural action. Shawn Newman added that this could be reconsidered at the point in time in which the governance document as a whole is reviewed.

Student Eric Kuhner mentioned the action to repeal may be negatively interpreted by students not attending the meeting. Chairman Tang expressed the hope that the students present assist in the dissemination of accurate information. He also suggested that the campus newspaper or newsletter underscore clearly the intent of the Board. Trustee Gelman directed that the minutes of this meeting reflect the exact purpose of the Board to avoid ambiguity.

President Olander went on record with a statement that he fully understood and indeed initiated the efforts to clean up the rules and regulations by which we live and work at Evergreen. He expressed the belief that the

emotional side of people sometimes defines the rational concepts behaviorly. He would not like to think that, despite the President's and the Board's good intentions, the current discussion of the revised student grievance procedures would be exacerbated or obfuscated by today's action. It is because of the absence of a governance structure for students (which he has solicited since March, 1985) that these problems continue to be compounded. He believes that communications is not the problem but that people's values are incongruous. He is apprehensive about this action being misinterpreted because of the emotionality of the concerns.

Trustee Boyd asked the record to reflect her believe that this action is the right thing to do but she has seen policy makers pay a high price for moving too quickly for the comfort level of people represented. For that reason (not because staff hasn't done the homework and not because this isn't the right thing to do), she will oppose the motion.

**Motion 87-38** Mr. Mante moved repeal on a permanent basis of the following sections of the Washington Administrative Code:

Chapter 174-12 (Equal Opportunity & Affirmative Action); Chapter 174-109 (Affirmative Action Policy); Chapter 174-148 (Equal Opportunity Policy and Procedure - Affirmative Action Program); CHap 174-104 (Regular & Special Meetings of Board of Trustees); WAC 174-112-010 to -030 (Staff Educational Benefits); WAC 174-108-010 to -08001 (Governance & Decision Making at TESC); and WAC 174-112-070 to -090 (Release of Personnel Information). Seconded by Mr. Gelman and passed with Ms. Boyd voting against the motion.

President Olander asked Gail Martin to assume responsibility for summarizing and clarifying the issue at the January 4 governance discussion.

#### APPROVAL OF COMMUNICABLE DISEASE POLICY - Action

Gail Martin recommended approval of the proposed communicable disease policy as presented at the November meeting.

**Motion 87-39** Mr. Gelman moved adoption of the attached communicable disease policy. Seconded by Ms. Boyd and passed.

#### CAMPUS SECURITY COMMISSION - Discussion

President Olander presented rationale for taking this item off of the agenda and explained how it had gotten on the agenda. Because of the openness of this campus, the Evergreen community is vulnerable at times to acts that violate state law. The Attorney General has advised the College for some time regarding what they perceive to be a jurisdictional problem relating to the authority of Evergreen's security officers who are commissioned by the Thurston County Sheriff's Office's. College Legal Counsel has learned, while researching this subject, that there is an Attorney General opinion that the Thurston County Sheriff's office has the jurisdictional authority

12/09/87

to come on campus with full arrest powers. President Olander feels comfortable that the College is doing what needs to be done to protect the interests of the community. The Evergreen administration believes that the security officers should not be armed. Shawn Newman gave credit to Trustee Gelman for clarification of this issue. Chairman Tang wanted to make sure that this issue is clear to the rest of the campus. Student Dale Larson offered congratulations to the people responsible for finding that this action is not necessary.

## OTHER BUSINESS AND INFORMATION

### Faculty Evaluation and Reappointment Policy Update

Pris Bowerman discussed the proposed changes in detail and asked Trustee response. The continuing point of disagreement: issuance of three-year contracts to new faculty (Trustees would like different treatment for the first three years of faculty contracts). Provost Hill has indicated to the DTF that he could not support the issuance of three-year contracts immediately upon being hired. Chairman Tang observed that the faculty would rather have the peer structure in tact even at the cost of flexibility. Trustee Robinson added that the Board's position on the issue of administrative flexibility is firm. Trustees discussed the interrelation between this policy and a gross misconduct policy. President Olander suggested finalizing this policy and then preparing a gross misconduct policy.

## EXECUTIVE SESSION

The Board recessed into executive session at 12:20 PM to discuss the union contract.

### APPROVAL OF UNION CONTRACT - Action

The Board reconvened the special meeting at 1:00 PM.

Motion Mr. Mante moved ratification of the attached contract between The  
87-40 Evergreen State College and the Washington Federation of State Employees, AFL-CIO, for a two-year period, and expressed the Board's commendation to the negotiating teams. Seconded by Mr. Weinstein and passed.

### ADJOURNMENT AND DATE OF NEXT MEETING

The public meeting adjourned at 1:05 PM. The date of the next regular meeting was set for February 10, with a work session on January 6.

David K. Y. Tang, Chairman

Allan M. Weinstein  
Allan M. Weinstein, Secretary

Attachments (2)

University of Washington  
Policy on Acquired Immune Deficiency Syndrome

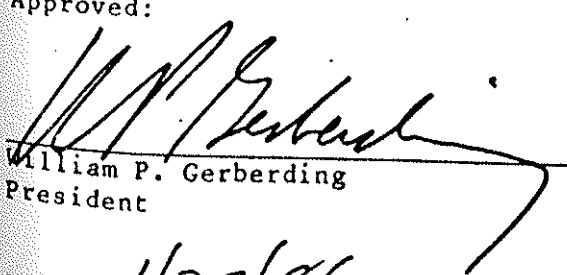
This policy is intended to provide basic information to members of the campus community about the ways in which the Acquired Immune Deficiency Syndrome (AIDS) virus is transmitted. It is also designed to make the academic community aware of the fundamental principles which will govern University-sponsored clinical and educational activities relating to AIDS and to ensure that confirmed or suspected cases of infection are managed appropriately.

Extensive medical research indicates that the AIDS virus is not transmitted through casual contact. Transmission requires intimate sexual contact or exposure to needles associated with intravenous drug abuse or to blood or blood products. Accordingly, legal and ethical considerations militate against the adoption of any policies or courses of action which would deny ordinary privileges and rights, including that of privacy, to students, faculty or staff members who are known or suspected to be infected with the AIDS virus.

The University will disseminate accurate and objective educational information on AIDS to the campus community. The University will also make available to eligible persons appropriate clinical services, including testing and counseling, and will make referrals as necessary to other health-care agencies.

Administrative responsibility for implementing this policy is assigned to the Director of Hall Health Center, who also serves as the University Occupational Medicine Physician. The Director will be advised by a committee composed of the Director of Environmental Health and Safety, the Associate Vice President for Health Sciences, the Director of Personnel Services, the Vice President for Student Affairs and an ex-officio representative of the Office of the Attorney General. The committee may call upon other members of the University community for assistance.

Approved:

  
William P. Gerberding  
President

Date:

1/27/86

(EXAMPLE POLICY)

AIDS POLICY  
University of Colorado-Boulder  
January 9, 1986

On the basis of current information from the American College Health Association, the National Center for Disease Control, and the Colorado Department of Health, the University of Colorado-Boulder makes the following statement:

There is no current evidence that individuals infected with HTLV-III virus can infect other individuals by casual contact. Accordingly, there is no reason to exclude these individuals from campus academic, social, or cultural activities. Therefore, on the basis of our current knowledge of the disease, individuals sharing common living space, study areas, libraries, classrooms, and theaters do not represent a problem or public health threat to the campus community.

There may be situations or circumstances which arise on the Boulder campus that will require medical review by the University. When such circumstances arise, the Chancellor of the University of Colorado-Boulder will seek the medical advice of the Director of Wardenburg Student Health Service, the attending physician, and other relevant parties. This group will also provide an opportunity for the patient to discuss his/her circumstances. Patient confidentiality will be maintained at all times. The above-named group will review the issues and provide recommendations to the Chancellor of the University of Colorado-Boulder for a resolution of the issues.

Appropriate university resources for emotional and social support will be made available to all concerned individuals.

The University Advisory Committee on AIDS recognizes the importance of education in coping with the AIDS issue and is developing and implementing an extensive and educational program to address medical and social aspects of the problem.