12-2-1998

CWU Faculty Senate Minutes - 12/02/1998

Marsha Brandt

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MINUTES
CENTRAL WASHINGTON UNIVERSITY
FACULTY SENATE REGULAR MEETING MINUTES: December 2, 1998
http://www.cwu.edu/~fsenate

Presiding Officer: John Alsoszatai-Petheo
Recording Secretary: Marsha Brandt

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

ROLL CALL:
Senators: All Senators or their Alternates were present except Beaghan, Demorest, Hawkins, Prigge, Stacy, Thyfault, Williams
Visitors: David Dauwalder, Gerard Hogan, Charles McGehee, Abdul Nasser, Robert Perkins, Barbara Radke, Carolyn Wells

CHANGES TO AND APPROVAL OF AGENDA: MOTION NO. 3184 (Passed) Ken Gamon moved and Jean Soliz seconded a motion to approve the agenda as distributed.

APPROVAL OF MINUTES: The minutes of the November 4, 1998, Faculty Senate meeting were approved with the following change: Reports: A. Action Items: Amended Referendum Motion No. 3177: Lynn Richmond, On Behalf of the Business Administration/Lynnwood Department.

COMMUNICATIONS: (Available for viewing in the Senate Office or distribution on request)
Dauwalder: 10/30/98, Re: HECB Legislative Session Overview
Daily Record: 11/5/98, Re: Closed Meeting
Teresa Kulik: 11/9/98, Re: Open Public Meetings Act Opinion

REPORTS:
A. ACTION ITEMS:

MOTION NO. 3185 (As Amended: Heckart/Perkins): 1999/00 Faculty Senate Meeting Dates:
1/12/00, 2/2/00, 2/16/00, 3/1/00
4/5/00, 4/19/00, 5/3/00, 5/17/00, 5/31/00

Bylaws Amendment Proposal: Section V. B. Voting
"A simple majority of the elected members of the Faculty Senate shall constitute a quorum for the transaction of business. Except as otherwise provided in the Faculty Code, all actions of the Faculty Senate shall be by majority vote of all members of the Senate present and voting at the time of voting. All votes on formal motions shall be recorded and approved by a vote of the Senate. Voting will generally be by voice or show of hands, but any Senator has the right to demand a roll call vote on any motion, either before or immediately after the vote is taken. At the request of any senator, and by the vote of a simple majority of senators present, a ballot vote will supersede all other forms of voting on any given motion."

Chair Alsoszatai-Petheo commented that as provided by Section 10 of the Senate Bylaws, a petition signed by nine members of the Senate requesting an amendment to the Senate Bylaws was received and acted upon at the last meeting of the Faculty Senate Executive Committee. In accordance with Senate Bylaws' amendment procedures, the relevant section of the Bylaws with the proposed changes has been included in printed form on the agenda and is hereby presented to the Senate for consideration. The Senate Bylaws provide that adoption of proposed amendments will be deferred until the subsequent meeting of the Senate following the introduction of the proposed amendment. In this case, this proposed amendment will be considered for adoption and accepted only by a vote of no less than two thirds of the senators present at the January 13, 1999, meeting of the Senate. At this point, the introduction of this amendment is viewed as an informational item with actual discussion proceeding action on the formal motion to amend the Bylaws deferred until the January meeting. However, informal discussion will be entertained.

Question: What exactly is this change doing?

Alsoszatai-Petheo: The allowance for any senator in any situation to ask for a roll call vote is protected by this. What it does remove is the provision for requesting a roll call vote after a vote is taken. The reason for that is that there is an additional item which essentially allows for a ballot vote to
supercede any other type of vote. Whereas the provision for voice vote or the provision for any individual to call for a roll call vote is automatic, the adoption of a ballot vote is not automatic. It requires that those senators present vote on whether or not to allow it. The intention here is to give an opportunity for the body to have a ballot vote, if in the opinion of those present, such a move is desirable. It gives an option which we did not have at the last Senate meeting.

Alsoszatai-Petheo: There is no provision in the Bylaws for the ballot vote to supercede anything else. This makes it very specific.

Comment: A roll call vote can be challenged. The chair can rule on the challenge. That ruling can be challenged.

Alsoszatai-Petheo: The Bylaws supercedes Robert’s Rules. Clarity is preferable to options of over-ruling chairs, etc.

B. DISCUSSION ITEMS:

1. CHAIR

Results of Vote of Confidence: Letter of 11/19/98

TO: The President, Board of Trustees, CWU Faculty and Administrators
FROM: Faculty Senate Executive Committee
DATE: November 19, 1998

On November 4, 1998, the Faculty Senate passed the following resolution:

"Be it resolved: that the Faculty Senate within two weeks from November 4, 1998, will sponsor and conduct among the entire faculty eligible to vote for faculty senators, a formal vote to ascertain the "confidence" or "no confidence" the faculty have in President Ivory Nelson in his capacity as President of Central Washington University. And be it further resolved: that the results of this vote of confidence will be made available to the faculty, the President and the Board of Trustees."

Pursuant to this motion the Senate Executive Committee sent ballots to all members of the faculty as defined in the Faculty Code, Section 2.10. Ballots were sent in consultation with the Faculty Senate Code Committee, and recorded on the CWU Full Time Faculty Tenured, Tenure-Track & Non-Tenure Track (includes faculty of less than full time if on professional leave) Faculty Records (dated 11/10/98) provided by the Office of the Provost/Vice President for Academic Affairs. Ballots were sent via courier to off-campus facilities and U.S. Mail to faculty on leave if their addresses were known. The ballot asked the faculty to respond to the following items:

[ ] I have CONFIDENCE in Ivory V. Nelson in his capacity as President of Central Washington University.
[ ] I have NO CONFIDENCE in Ivory V. Nelson in his capacity as President of Central Washington University.
[ ] I do not know enough about President Ivory V. Nelson to vote.
[ ] I abstain.

Accompanying the ballots were two envelopes and a letter of instruction to mark and seal the ballot in the smaller envelope labeled "OFFICIAL BALLOT," and then to seal the official ballot envelope in the larger envelope marked "RETURN TO FACULTY SENATE - 7509." Faculty were further instructed to sign the outer envelope to validate the ballot, and return the envelope so that it would be received in the Faculty Senate Office no later than 5:00 p.m., November 18, 1998.

All ballots were logged in as they were returned. Ballots which were returned in unsigned envelopes or had multiple or unclear marks were not valid and were not accepted. To insure integrity of the vote, all returned ballots were kept in a secure place under the control of the Director of Auditing and Control.

To guarantee anonymity, the outer envelopes were separated from the inner envelopes before the ballots were removed and counted. Ballots were again logged as the outer envelopes were opened. Ballots were numbered sequentially as they were removed from the envelopes.

Opening and counting of ballots took place in executive session of the Faculty Senate Executive Committee. In addition to members of the Executive Committee (John Alsoszatai-Petheo, Chair; Linda Beath, Chair Elect; Terry DeVenti, Secretary; Cindy Emmans, Member At-Large; Lynn Richmond, Member At-Large; and Robert Perkins, Past Chair) the opening and counting were witnessed and verified by Ms. Margaret Smith, Director of Auditing and Control; and Ms. Barbara Radke, Director of University Relations.

The results are as follows:

Ballots:
- 398 Total faculty eligible to vote (includes 16 administrators)
- 46 Ballots not returned
- 1 Invalid ballots (i.e., envelope not signed)
- 5 Invalid ballots (i.e., multiple, unclear or no marks)

Total valid ballots returned (87% returned)
Vote distribution:
- 81 (23%) Confidence
- 218 (63%) No confidence
- 25 (7%) Do not know enough to vote
- 22 (7%) Abstain
- 346 (100%) Total valid votes

Respectfully submitted,
John Alisanzat-Petho, Chair
Faculty Senate
cc: Daily Record
mhalliday@kvnews.com
Yakima Herald-Republic
KIMA-TV
Observer

Salary Data Summary:
In response to a request forwarded to President Nelson from the Senate office, the Senate office received a list of all Central Washington University employee gross salaries for the past calendar year, and the current year-to-date. This information has been forwarded to the Senate budget Committee, and is available to other Senate committees or to senators who need to use this information for the transaction of legitimate senate business. Committees can request a copy of the report through the Senate office, while two copies of the report are available for individual senators in the Senate office.

Board of Trustees' Issues:
A brief summary of pertinent action at the last Board of Trustees meeting:
1. The Board set aside a major portion of their scheduled agenda items (about 1.5 hours) to discuss faculty issues as relating to the six points contained in the Senate Resolution.
2. Among the issues discussed was an opinion rendered by Senior Assistant Attorney General, Teresa Kulik, which indicated that the proposed amendment to the Faculty Code, Section 1.15 handed out at the last Senate meeting concerning binding arbitration in cases of an impasse in Code changes was legally outside the scope of the Board’s ability to grant. Incidentally, this opinion is consistent with the legal status of the faculty Senate in an earlier opinion by Teresa Kulik regarding the legality of holding a closed executive session. In this opinion, a clear distinction is made between the Board of Trustees and the Faculty Senate at Central Washington University which “is not a ‘governing body’ or a ‘committee thereof’” from a legally binding perspective according to State statutes. As a result, the proposed Code change involving binding arbitration is not viable.
3. The Board of Trustees also discussed at length the need to address faculty issues. In this context, the point was made by some Board members that the recommendations of the Campus Climate Report should be implemented. This proposal was not formally acted upon as introduced.
4. The Board of Trustees did act to form a subcommittee of the Board to address the legislative components of the six-point resolution. This subcommittee has held meetings since the last Board meeting, and members of this subcommittee have been examining the data they need to understand to present their case to the Legislature. Their data, significantly, is drawn from the official data of the Higher Education Coordinating Board and not from internal CWU sources.
5. Finally, the Board of Trustees charged the President to work with the Chair of the Faculty Senate to define critical issues, and to address possible ways to implement internal actions related to the six-point resolution. As a result, the Senate Chair requested inputs from senators, and then from the faculty on issues which could be brought up for discussion. Beyond the presence of the President and the Faculty Senate Chair at the first meeting (to help establish the parameters of these meetings) subsequent meetings will include three members appointed by the Chair of the Senate, and three members appointed by the President. Current faculty members, Linda Beath and Terry Devietti were chosen from the Senate’s Executive Committee, with one more person representing the 249 part-time faculty. At present, this person is Ruthi Erdman of the English Department.
2. **CHAIR ELECT**: Linda Beath reported that at the first meeting of the University Forum, December 1, 1998, the need for "brutally open" and honest communication was discussed. To encourage that, the minutes of the meeting will be made public. John Alszoszatai-Petheo's e-mail requesting information, comments and suggestions was restated. They should be sent to the Senate Office (senate@cwu.edu) or Linda Beath (beathl@cwu.edu). The next meeting will be December 14, 1998, in Munson Retreat at 12:00 p.m. The six issues of the Senate Resolution as presented to the Board of Trustees will be discussed. At the first meeting, the discussion will center around the perception of the issues and that the six issues in the Resolution only attend to some of the problems - that there are complex interrelated issues that we as an institution need to address. The third meeting will be on January 4, 1999.

3. **PRESIDENT**: President Nelson, in continuing the comments regarding the University Forum, stated that he hoped that no one viewed the meetings as administration versus faculty. One of the things addressed in the group was working in an atmosphere as colleagues. There will be a frank exchange of ideas. President Nelson noted that he and the Senate Chair would try to extricate themselves from the meeting. The President appointed Provost Dauwalder, Dean Savoian, and Dean Babener. December 14 was selected because of the length of the winter break. The Forum will sort out and come to some agreement what exactly the issues mean. The Forum will not confine itself to the six issues, but use them as a starting point. The Forum is not there to provide the solution, because the solutions to the issues will require actions in various parts of the University. Any issue identified by the Forum members that requires Faculty Senate solution will be brought to its attention. The solutions will not occur outside the operating channels of the University. The Forum members agreed to monitor issues which are sent to various areas for resolution. The Forum members will also address the Campus Climate Report. The faculty are encouraged to comment on the six issues and address their interpretations to members of the committee. This type of dialogue will become a continuous endeavor rather than something on a short-term basis. Chair Alszoszatai-Petheo added that since the most important issue was free and open public communication about the things that mattered to people, the assigning of deadlines would not be appropriate. The forum noted the freedom to state concerns, to suggest ways of addressing those concerns, and to do without having deadlines stifle the process.

President Nelson related that the presidents of the universities and board chairs met with Governor Locke November 30th for higher education. In Governor Locke's budget, the two most favored areas are higher education and K-12. That doesn't mean there is a lot of funding, only that those two areas are his highest priority in his budget presentation. That budget is based on the 2020 recommendation. Some items in that budget will implement the 2020 recommendations. As soon as the budget is made public on December 8th, the campus community will receive the details of the Governor's recommendation for CWU.

4. **FACULTY SENATE STANDING COMMITTEE REPORTS:**

   **ACADEMIC AFFAIRS COMMITTEE**
   Charles McGehee reported that although there were no action items this meeting, it was the committee's intent to bring a major recommendation on the Handbook for Undergraduate Academic Policy. The delay was due to the reorganization this last summer and the creation of the position of Vice President for Enrollment, Management & Marketing. The chain of command had remained intact. As a result, that led to certain academic decisions being moved out of the academic field and made outside: notably in regard to some of the functions of the Registrar and Admissions Office (i.e., withdrawals and admissions standards). These issues will be reconsidered by the committee and a recommendation with be forthcoming at the January or February Senate meetings.

   **BUDGET COMMITTEE** - No Report. Senate Chair Alszoszatai-Petheo noted that he was in communication with the Budget Committee Chair, and that the committee was grappling with some important issues.

   **CODE COMMITTEE**: CODE COMMITTEE REPORT TO FACULTY SENATE
   Submitted By Beverly Heckart, Chair, December 2, 1998
   In a communication dated November 4, 1998, the Code Committee received a charge, from the combined group of the Board of Trustees, the university president and the Faculty
Senate Executive Committee, to review an amendment to the impasse procedure to allow for binding interest arbitration. The charge directed the committee, according to Faculty Code Section 1.15.B., to make recommendations to the Faculty Senate by December 2, 1998. The simultaneous distribution of the suggested amendment to the Faculty Senate was entitled a Request for Fast-Track Review. Even though the combined groups, after receiving advice from the university's attorney general, have withdrawn the charge, the code committee wishes to report the following to the Faculty Senate.

First, the timing of the charge perplexed the code committee. According to Faculty Code Section 1.15.B., only sixty calendar days can elapse from the time the Board of Trustees initiates an amendment to the time when the Senate must act on the proposal. Since this particular amendment originated on November 4, the sixty days would have run out on January 5. During that period, the university was scheduled for three holidays, two of them extended, one of which included the three-week Christmas vacation when it would have been virtually impossible to conduct any business involving the whole faculty. Yet the initiators of the proposal did not even allow for the passage of the sixty days permitted by the code. Instead they ordered the code committee to complete its review within fewer than thirty days.

The Faculty Senate executive committee suggested that this "fast-track change" could dispense with the ordinary procedures of a code change. The code committee had difficulty accepting this interpretation inasmuch as it seemed unlikely that the faculty ever intended a Senate review of an amendment initiated by the Board or the administration to benefit from a privilege not enjoyed by amendments initiated by the faculty. Secondly, as the code committee probed the ramifications of binding interest arbitration, it became clear that the issue was so grave that it merited a full-scale faculty hearing. According to the code, faculty must have at least ten calendar days notice before a hearing, and the schedule mandated by the executive committee did not allow time for the code committee to alert the faculty adequately.

As it investigated the language necessary for protecting the faculty in any binding interest arbitration, the code committee discovered that the proposal lacked the following provisions.

1. What issues should be arbitrated? Should the Faculty Code exempt the issue of academic freedom and tenure from binding interest arbitration? Unless such exemption occurs, an outside arbitrator could at any time eliminate from the Code protections relating to those items. There may be other equally important protections for the faculty that should not be arbitrated, but the code committee had little time to investigate them.

2. Who should select the arbitrator? The current impasse procedure requires both faculty and Board to select the impasse committee. It would be doubly important that the faculty have a voice in choosing a binding interest arbitrator. The Code Committee learned that arbitrating groups could be named in the Code and that each provides lists from which to select arbitrators. Some literature stresses that arbitrators have some background in the occupational area subject to arbitration. Should we specify in the Code such qualification? In any case, most arbitration, including the provision of lists of arbitrators, must be paid for. Who should be responsible for the payment, considering that "he who pays the piper, plays the tune?"

3. Should any criteria be applied in the event to binding interest arbitration? The code committee had no time to pursue this issue other than to note that it is a recommended consideration. Yet it would have been necessary to learn more about criteria in order to protect the faculty thoroughly, and the time frame allowed to the committee did not take such research into account.

4. Most importantly, will the faculty really benefit from binding interest arbitration? Such arbitration places the faculty's future fate in the hands of people who have little stake in the university and do not have to live with the results. It also can preclude the exercise of actions such as a slowdown, a strike or other pressures that can be brought to bear by the faculty in an impassed situation. Arbitration seems like a facile means for resolving conflicts, but in the long run the conflict may be more beneficial than any automatic means for avoiding it.
The Faculty Senate Executive Committee has promised that this issue may be resurrected at some time in the future. In that event, the code committee respectfully requests that ample time be allowed for discussion among the faculty. For the committee, preliminary investigation was very sobering.

Lastly, the code committee recommends that the Faculty Senate Executive Committee think twice about circumventing the amendment procedures outlined in the Code. The long-term consequences can outweigh the short-term benefits of such action. For over twenty years, the faculty has labored to avoid having the Board of Trustees institute emergency action on its own behalf. The faculty should be equally suspicious of any emergency action that the Board seemingly undertakes on behalf of the faculty.

Chair Heckart noted that the Code Committee must be finished by the end of February, 1999. There will be hearings before Spring vacation on “Load: for summer session and the regular academic year,” “Distance Education,” “Salary including provisions in the Code that affect salary inequity,” “Professional Leave.”

Chair Alsoszatai-Petheo expressed appreciation of Code Committee’s work as a whole for the work they did in regard to the above. It is a wonderful illustration of two points: 1) there is a reason why things are referred to the Code Committee as they serve as a watch dog so we don’t talk ourselves into trouble, and 2) Since the “wheels of democracy do move slowly,” it is at times frustrating to have to plan for changes which will occur only one, two or three years in the future. This body may want to consider at some point if there are any reasonable alternatives which we can identify, with the help of the Code Committee, and which the Senate can institute to improve in the present system.

Comment: Even though the assistant attorney general gives opinions, the Senate should remember that there may be instances when it may want to challenge such opinions.

CURRICULUM COMMITTEE
Luetta Monson reported that at the January meeting the committee will have age, items cleaning up General Education Program issues. She reminded senators of the deadlines for changes in curriculum. Department heads have been sent reminders that the January 7th meeting is when everything needs to be to the Curriculum Committee.

PERSONNEL COMMITTEE
Robert Perkins reported that the committee has been discussing part-time issues, i.e., departmental voting rights, seniority rights, and number of years of service as part-timers. The committee has been working closely with the Code Committee. Part-time faculty will be invited to the committee meetings for their input.

PUBLIC AFFAIRS COMMITTEE
Linda Beath reported:

1) The committee has sent a request to department chairs for information regarding retention & recruitment of faculty.
2) The committee in conjunction with Martha Lindley, Director of Government Relations, will meet with legislators and people in Olympia to tell the story of Central’s faculty. Faculty who would be willing to travel to Olympia to give a personal touch will make difference in addressing legislative committees.
3) The committee will meet on December 9th with Dan Jack, Alumni Relations Director and Darwin Nelson, Alumni Association President, to discuss how they can be supportive of faculty efforts.
4) The Council of Faculty Representatives will meet with Governor Locke on December 7th to tell him Central’s story to continue applying pressure on Olympia.
FACULTY SENATE REGULAR MEETING
3:10 p.m., Wednesday, December 2, 1998
BARGE 412
AGENDA

I. ROLL CALL
II. Motion: CHANGES TO AND APPROVAL OF AGENDA
III. APPROVAL OF MINUTES
IV. COMMUNICATIONS
V. REPORTS/ACTION ITEMS

Chair: MOTION: Approval of 1999/00 Faculty Senate Meeting Dates
1/12/00, 2/2/00, 2/16/00, 3/1/00
4/12/00, 5/3/00, 5/17/00, 5/31/00

Bylaws Amendment Proposal: Section V. B. Voting
"A simple majority of the elected members of the Faculty Senate shall constitute a quorum for the transaction of business. Except as otherwise provided in the Faculty Code, all actions of the Faculty Senate shall be by majority vote of all members of the Senate present and voting at the time of voting. All votes on formal motions shall be recorded and approved by a vote of the Senate. Voting will generally be by voice or show of hands, but any Senator has the right to demand a roll call vote on any motion, either before or immediately after the vote is taken. At the request of any senator, and by the vote of a simple majority of senators present, a ballot vote will supersede all other forms of voting on any given motion."

VI. REPORTS/DISCUSSION ITEMS
1. CHAIR (30 min.)
   Results of Vote of Confidence
   Board of Trustees' Issues
2. CHAIR ELECT (10 min.)
3. PRESIDENT (15 min.)
4. SENATE COMMITTEES
   Academic Affairs Committee: Charles McGehee (5 min.)
   Budget Committee: Barney Erickson (5 min.)
   Code Committee: Beverly Heckart (5 min.)
   Curriculum Committee: Louetta Monson (5 min.)
   Personnel Committee: Robert Perkins (5 min.)
   Public Affairs Committee: Linda Beath (5 min.)
5. Ad Hoc Faculty Development Funding Committee: Gerard Hogan, Chair
   Report on 97/98 Activity

VII. NEW BUSINESS
VIII. OLD BUSINESS
IX. ADJOURNMENT

***NEXT REGULAR SENATE MEETING: January 13, 1999***
BARGE 412
To: John Alsoszatai-Petheo, Chair
   Faculty Senate

From: Gerard Hogan, Chair
   Ad Hoc Faculty Development Funding Committee

November 24, 1998

Committee Report to Faculty Senate

This committee was charged by the Executive Committee of the Faculty Senate to determine an appropriate mechanism for disbursement of $100,000 directed toward faculty development. The funds were made available from Summer 1997 revenue. The committee was formed in November 1997, with the following members: Gerard Hogan (LIB)- Chair, Osman Alawiye (CEPS), Toni Culjak (CAH), Richard Mack (SBE), and Bill Smith (COTS).

The committee recommended the following formula (which was subsequently approved by the Senate on January 14, 1998):

40% of the available fund be distributed to individual academic departments (including Military Science/ROTC), with each department receiving an amount proportional to their annual teaching FTE, using the most recent staffing data.

45% of the available fund be distributed to individual departments (excluding Military Science/ROTC) on a per-department basis, with each department receiving an equal amount. This is intended to provide an across-the-board base level of support for all departments.

15% of the available fund be reserved for allocation to projects intended to serve the faculty development needs of the university as a whole (rather than the needs of individual faculty members or departments). Such projects might include artistic performances, exhibits, and/or distinguished visiting scholars (who would be brought to campus as individual speakers, or as participants in special conferences, short-courses, etc.). Proposals for such projects would be solicited, reviewed, and approved by this ad hoc committee. Any residual funds from this process would be divided equally among departments, on a per-department basis.

Thus 85%, totaling $85,000, was distributed to departments. This committee then solicited proposals for the last category (15% for campus-wide projects). We received a total of ten applications for funding and selected three projects which met the Senate-approved criteria.

The following campus-wide faculty development projects were funded:

- $8,000 to Steven Hackenberger (Anthropology), et al., to organize The National Dialogue on Race, Ethnicity, and Culture: a Forum for Faculty and Students.
- $2,000 to Joseph Powell (English), to bring scholar Nikos Stavroulakis to campus for at least one lecture and one other activity.
- $800 to Jeffrey Snedeker (Music), to support an interdisciplinary artistic performance on Aspects of Solitude.

Of the $15,000 available in the last category, we granted $10,800; the remaining $4,200 was then distributed to departments as stipulated in the Senate's motion of January 14, 1998.
Marcia, please change the line "administration representing faculty" to "administration versus faculty". Thank you. Ivory

At 05:13 PM 12/8/1998 +0000, Faculty Senate (Marsha Brandt) wrote:

> President Nelson: > The following is a draft of your report for your comments/editing. > Marsha >> > President Nelson, in continuing the comments regarding the > Faculty Forum, stated that he hoped that no one viewed the meetings as > administration representing the faculty. One of the things addressed > in the group was working in an atmosphere as colleagues. There will > be a frank exchange of ideas. President Nelson noted that he and the > Senate chair would try to extricate themselves from the meeting. The > President appointed Provost Dauwalder, Dean Savoian, and Dean Babener. > December 14 was selected because of the length of the winter break. > The Forum will sort out and come to some agreement what exactly the > issues mean. The Forum will not confine itself to the six issues, but > use them as a starting point. The Forum is not there to provide the > solution, because the solutions to the issues will require actions in > various parts of the University. Any issue identified by the > committee that requires Faculty Senate solution will be brought to its > attention. The solutions will not occur outside the operating channels > of the University. The committee agreed to monitor issues which are > sent to various areas for resolution. The committee will also address > the Campus Climate Report. The faculty are encouraged to comment on > the six issues and address their interpretations to members of the > committee. This type of dialogue will become a continuous endeavor > rather than something on a short-term basis. Chair Alsoszatai-Petheo > added that since the most important issue was free and open public > communication about the things that mattered to people, the assigning > of deadlines would not be appropriate. The forum needs the freedom > to state concerns, to suggest ways of addressing those concerns, and > to do it without having deadlines stifling the process. >> President Nelson related that the presidents of the universities and > board chairs met with Governor Locke November 30th for higher > education. In Governor Locke's budget, the two most favored areas > are higher education and K-12. That doesn't mean there is a lot of > funding, only that those to areas are his highest priority in his > budget presentation. That budget is based on the 2020 > recommendation. Some items in that budget will implement the 2020 > recommendations. As soon as the budget is made public on December > 8th, the campus community will receive the details of the Governor's > recommendation for CWU. >
Date: December 2, 1998

VISITOR SIGN-IN SHEET

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Martin McCulley</td>
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<td>Gerard Hogan</td>
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<td>David Darnsider</td>
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<td>E. R. Cadle</td>
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Please sign your name and return sheet to Faculty Senate secretary directly after the meeting.
Thank you.
ROLL CALL 1998-99
FACULTY SENATE MEETING: 12/2/98

- ADAMSON, Karen
- ALSOSZATAI-PETHEO, John
- BAXTER, Louise
- BEAGHAN, Jim
- BENSON, William
- BLACKETT, Robert
- BRAUNSTEIN, Michael
- BRODERSON, Bret
- BULLOCK, John
- COCHEBA, Don
- D'ACQUISTO, Leo
- DEMOREST, Claire
- DeVIETTI, Terry
- ELY, Lisa
- EMMANS, Cindy
- FORDAN, Robert
- GAMON, Ken
- GRAY, Loretta
- GUNN, Gerald
- HAWKINS, Jim
- HOOD, Webster
- KAMINSKI, Walter
- LEWIS, Keith
- MICHEL, John
- MONSON, Luetta
- MUSTAIN, Wendy
- NELSON, Joshua
- NGALAMULUME, Kalala
- OWENS, Patrick
- PRIGGE, Debra
- RICHMOND, Lynn
- SCHAEFER, Todd
- SCHWING, James
- SOLIZ, Jean
- SPENCER, Andrew
- STACY, Gerald
- THYFAULT, Alberta
- UBELACKER, Morris
- WILLIAMS, Wendy
- WILSON, Blaine
- WYATT, Marla
- HOLTRETER, Robert
- HACKENBERGER, Steven
- RAUBESON, Linda
- vacant
- DUGAN, Jack
- PALMQUIST, Bruce
- KURTZ, Martha
- GHOSH, Koushik
- COLLINS, James
- GAZIS, Carey
- BEATH, Linda
- GARRETT, Roger
- HARPER, James
- POWELL, Joe
- FAIRBURN, Wayne
- VASEK, Cheri
- BURKHOLDER, Peter
- HOLDEN, Lad
- BACH, Glen
- GAUSE, Tom
- WOODCOCK, Don
- JEFFERIES, Stephen
- LEFKOWITZ, Natalie
- HECKART, Beverly
- CannCasiato, Daniel
- CAPLES, Minerva
- BRADLEY, James
- WIRTH, Rex
- DONAHUE, Barry
- OLIVERO, Michael
- SNEDEKER, Jeff
- ABDALLA, Laila
- BUTTERFIELD, Carol
- ALWIN, John
- WEYANDT, Lisa
- BERTELSON, Cathy
- SCHACTLER, Carolyn
Sorry Lynn. It will have to be a change to the minutes at the 12/2/98 meeting.

Marsha

> Hi Marsha,
> > I know that you are going to really love these minor modifications to the minutes regarding the roll call vote...but since there were three of us present at the meeting representing the Bus Ad department, I was quite deliberate in specifying my vote as being for "Bus Ad/Lynnwood"--since they were the only ones I had canvassed.
> > Can we get that modified or do I need to make that request at our next meeting?
> > > Thanks...
> > Lynn
> >
> > >>The Senate Agenda for 11/4/98 >>is now available on the Senate's Home Page.
> >> >>www.cwu.edu/~fsenate
> >>or
> >>at Central's Home Page, click on Faculty/Staff/Student, >>then Faculty Senate.
> >> >>Marsha
> >> F. Lynn Richmond, Ph.D.
> > Program Director, Business Administration
> > CENTRAL WASHINGTON UNIVERSITY/Lynnwood Center
> > 20000 68th Avenue W., Lynnwood, WA 98036
> > e-mail: richmond@cwu.edu Phone: 425.640.1056
> > Fax: 425.640.1488
> >
> >
Recommendation for the Faculty Senate for a change in the Faculty Senate Bylaws as follows:

Section V. B. Voting

A simple majority of the elected members of the Faculty Senate shall constitute a quorum for the transaction of business. Except as otherwise provided in the Faculty Code, all actions of the Faculty Senate shall be by majority vote of all members of the Senate present and voting at the time of voting. All votes on formal motions shall be recorded and approved by a vote of the Senate. Voting will generally be by voice or show of hands, but any Senator has the right to demand a roll call vote on any motion, either before or immediately after the vote is taken. At the request of any senator, and by the vote of a simple majority of senators present, a ballot vote will supersede all other forms of voting on any given motion.
Proposed In

CENTRAL WASHINGTON UNIVERSITY

MESSAGE

For Faculty Senate Office/Mark

Date 11/18/98 Time 11:20 am

MESSAGE

Person Calling Todd Schaefer

Of Math Sci Dept

Telephone Number X3675

☐ Telephoned ☐ Called to see you
☐ Please call ☐ Wants to see you
☐ Will call back ☐ Returned your call

Message I wish to be included (Sign)

Prop: Amend Senate Bylaws

RE Y.B. That is an issue -

please include me (See Back)

Initials


November 5, 1998

John Alsoszatai-Petheo
Chair
Faculty Senate
Campus

Dear John,
I hope the executive committee will look into the issue of confidentiality in voting on personnel issues in the Senate by-laws. I believe senators should have the right to request voting by name as an indication of principle, but feel that the same rights of confidentiality that seem appropriate when we vote for members of the executive committee for example, should apply on issues that directly relate to personnel.

Whether or not the issue of the referendum addressed yesterday would fall into that category or not would be an item of some potential dispute, but the means by which senators can maintain confidentiality should also be considered.

Thank you for your consideration of this matter.

Sincerely,

James Hawkins
Professor
Results of the Vote of Confidence: (Report numbers)

In response to a request forwarded to President Nelson from the Senate office, the Senate office received a list of all Central Washington University employee gross salaries for the past calendar year, and the current year-to-date. This information has been forwarded to the Senate Budget Committee, and is available to other Senate committees or to senators who need to use this information for the transaction of legitimate Senate business. Committees can request a copy of the report through the Senate office, while two copies of the report are available for individual senators in the Senate office.

A BRIEF summary of pertinent actions at the last BOT meeting:

1) The Board set aside a major portion of their scheduled agenda items (about 1 ½ hours) to discuss faculty issues as relating to the six points contained in the Senate Resolution.

2) Among the issues discussed was an opinion rendered by Senior Assistant Attorney General, Teresa Kulik which indicated that the proposed amendment to the Faculty Code, Section 1.15 handed out at the last Senate meeting concerning binding arbitration in cases of an impasse in code changes was legally outside the scope of the Board’s ability to grant. Incidentally, this opinion is consistent with the legal status of the Faculty Senate in an earlier opinion by Teresa Kulik regarding the legality of holding a closed executive session. In this opinion, a clear distinction is made between the BOT and the Faculty Senate at CWU which “is not a ‘governing body’ or a ‘committee thereof’” from a legally binding perspective according to State statutes. As a result, the proposed code change involving binding arbitration is not viable.
3) The BOT also discussed at length the need to address faculty issues. In this context, the point was made by some Board members that the recommendations of the Campus Climate Report should be implemented. This proposal was not formally acted upon as introduced.

4) The BOT did act to form a subcommittee of the Board to address the legislative components of the six point resolution. This subcommittee has held meetings since the last Board meeting, and members of this subcommittee have been examining the data they need to understand to present their case to the Legislature. Their data, significantly, is drawn from the official data of the HEC Board and not from internal CWU sources.

5) Finally, the BOT charged the President to work with the Chair of the Faculty Senate to define critical issues, and to address possible ways to implement internal actions related to the six point resolution. As a result, I requested inputs from senators, and then from the faculty on issues which could be brought up for discussion. Beyond the presence of the President and the Faculty Senate Chair at the first meeting (to help establish the parameters of these meetings) subsequent meetings will include three members appointed by the Chair of the Senate, and three members appointed by the President. Current faculty members, Linda Beath and Terry DeVietti were chosen from the Senate’s Executive Committee, with one more person representing part-time faculty. At present, this person is Ruthi Erdman of the English department.
In a communication dated November 4, 1998, the Code Committee received a charge, from the combined group of the Board of Trustees, the university president and the Faculty Senate Executive Committee, to review an amendment to the impasse procedure to allow for binding interest arbitration. The charge directed the committee, according to Faculty Code Section 1:15.B., to make recommendations to the Faculty Senate by December 2, 1998. The simultaneous distribution of the suggested amendment to the Faculty Senate was entitled a Request for Fast-Track Review. Even though the combined groups, after receiving advice from the university’s attorney general, have withdrawn the charge, the code committee wishes to report the following to the Faculty Senate.

First, the timing of the charge perplexed the code committee. According to Faculty Code Section 1.15.B., only sixty calendar days can elapse from the time the Board of Trustees initiates an amendment to the time when the Senate must act on the proposal. Since this particular amendment originated on November 4, the sixty days would have run out on January 5. During that period, the university was scheduled for three holidays, two of them extended, one of which included the three-week Christmas vacation when it would have been virtually impossible to conduct any business involving the whole faculty. Yet the initiators of the proposal did not even allow for the passage of the sixty days permitted by the code. Instead they ordered the code committee to complete its review within fewer than thirty days.

The Faculty Senate executive committee suggested that this "fast-track change" could dispense with the ordinary procedures of a code change. The code committee had difficulty accepting this interpretation inasmuch as it seemed unlikely that the faculty ever intended a Senate review of an amendment initiated by the Board or the administration to benefit from a privilege not enjoyed by amendments initiated by the faculty. Secondly, as the code committee probed the ramifications of binding interest arbitration, it became clear that the issue was so grave that it merited a full-scale faculty hearing. According to the code, faculty must have at least ten calendar days notice before a hearing, and the schedule mandated by the executive committee did not allow time for the code committee to alert the faculty adequately.

As it investigated the language necessary for protecting the faculty in any binding interest arbitration, the code committee
discovered that the proposal lacked the following provisions.

1. What issues should be arbitrated? Should the Faculty Code exempt the issue of academic freedom and tenure from binding interest arbitration? Unless such exemption occurs, an outside arbitrator could at any time eliminate from the Code protections relating to those items. There may be other equally important protections for the faculty that should not be arbitrated, but the code committee had little time to investigate them.

2. Who should select the arbitrator? The current impasse procedure requires both faculty and Board to select the impasse committee. It would be doubly important that the faculty have a voice in choosing a binding interest arbitrator. The Code Committee learned that arbitrating groups could be named in the Code and that each provides lists from which to select arbitrators. Some literature stresses that arbitrators have some background in the occupational area subject to arbitration. Should we specify in the Code such qualification? In any case, most arbitration, including the provision of lists of arbitrators, must be paid for. Who should be responsible for the payment, considering that "he who pays the piper, plays the tune?"

3. Should any criteria be applied in the event to binding interest arbitration? The code committee had no time to pursue this issue other than to note that it is a recommended consideration. Yet it would have been necessary to learn more about criteria in order to protect the faculty thoroughly, and the time frame allowed to the committee did not take such research into account.

4. Most importantly, will the faculty really benefit from binding interest arbitration? Such arbitration places the faculty’s future fate in the hands of people who have little stake in the university and do not have to live with the results. It also can preclude the exercise of actions such as a slowdown, a strike or other pressures that can be brought to bear by the faculty in an impasse situation. Arbitration seems like a facile means for resolving conflicts, but in the long run the conflict may be more beneficial than any automatic means for avoiding it.

The Faculty Senate Executive Committee has promised that this issue may be resurrected at some time in the future. In that event, the code committee respectfully requests that ample time be allowed for discussion among the faculty. For the committee, this preliminary investigation was very sobering.

Lastly, the code committee recommends that the Faculty Senate Executive Committee think twice about circumventing the amendment procedures outlined in the Code. The long-term consequences can out-weigh the short-term benefits of such action. For over twenty years, the faculty has labored to avoid having the Board of Trustees institute emergency action on its own behalf. The faculty should be equally suspicious of any emergency action that the Board seemingly undertakes on behalf of the faculty.
To: John Alsoszatai-Petheo, Chair  
Faculty Senate

From: Gerard Hogan, Chair  
Ad Hoc Faculty Development Funding Committee

November 24, 1998

Committee Report to Faculty Senate

This committee was charged by the Executive Committee of the Faculty Senate to determine an appropriate mechanism for disbursement of $100,000 directed toward faculty development. The funds were made available from Summer 1997 revenue. The committee was formed in November 1997, with the following members: Gerard Hogan (LIB)- Chair, Osman Alawiye (CEPS), Toni Culjak (CAH), Richard Mack (SBE), and Bill Smith (COTS).

The committee recommended the following formula (which was subsequently approved by the Senate on January 14, 1998):

40% of the available fund be distributed to individual academic departments (including Military Science/ROTC), with each department receiving an amount proportional to their annual teaching FTE, using the most recent staffing data

45% of the available fund be distributed to individual departments (excluding Military Science/ROTC) on a per-department basis, with each department receiving an equal amount. This is intended to provide an across-the-board base level of support for all departments

15% of the available fund be reserved for allocation to projects intended to serve the faculty development needs of the university as a whole (rather than the needs of individual faculty members or departments). Such projects might include artistic performances, exhibits, and/or distinguished visiting scholars (who would be brought to campus as individual speakers, or as participants in special conferences, short-courses, etc.). Proposals for such projects would be solicited, reviewed, and approved by this ad hoc committee. Any residual funds from this process would be divided equally among departments, on a per-department basis.

Thus 85%, totaling $85,000, was distributed to departments. This committee then solicited proposals for the last category (15% for campus-wide projects). We received a total of ten applications for funding and selected three projects which met the Senate-approved criteria.

The following campus-wide faculty development projects were funded:

$8,000 to Steven Hackenberger (Anthropology), et al., to organize The National Dialogue on Race, Ethnicity, and Culture: a Forum for Faculty and Students.
$2,000 to Joseph Powell (English), to bring scholar Nikos Stavroulakis to campus for at least one lecture and one other activity.
$800 to Jeffrey Snedeker (Music), to support an interdisciplinary artistic performance on Aspects of Solitude.

Of the $15,000 available in the last category, we granted $10,800; the remaining $4,200 was then distributed to departments as stipulated in the Senate's motion of January 14, 1998.
MEMORANDUM

TO:  Academic Affairs Council
     Faculty Senate Chair
     Faculty Senate Budget Committee

FROM:  David P. Dauwalder, Provost/Vice President for Academic Affairs

COPIES:  I. Nelson, A. Nasser, J. Pappas

SUBJECT:  HECB LEGISLATIVE SESSION OVERVIEW

At the October 28 meeting of the Higher Education Coordinating Board, staff member, Mr. Bruce Botka, Director of Government Relations, presented to the board an overview of the upcoming legislative session. The slides he used as a basis for the presentation are attached.

Abdul Nasser, Jim Pappas, or I would be pleased to discuss further any issues related to CWU's role in this process.
1999 HECB Legislative Session Overview

October 28, 1998

1998 legislative timetable

- November 3 election
  - Current situation:
    - Senate: 26 Republicans, 23 Democrats
    - House: 57 Republicans, 41 Democrats
  - At stake in election:
    - Senate: 24 seats (15 GOP, 9 Dem) 
    - House: All 98 positions

1999 legislative timetable

- November
  - 2020 Commission report, after election
- December - January
  - Legislative committee meetings, Dec. 3-4
  - HECB adopts legislative agenda, Dec. 7
  - Governor's budget, by Dec. 20
  - Legislature convenes, Jan. 11, 1999
HECB statewide priorities

- 1999-2001 operating budget
  - Preserve current level of service
  - Enrollment increases
  - Financial aid
  - Faculty salary increases
  - Technology investments

HECB statewide priorities

- 1999-2001 capital budget
  - Goals:
    - Increase enrollment capacity
    - Ensure quality in learning environment
  - 'Critical and essential' funding level:
    - $551 million G.O. bonds
    - $218 million cash and other sources

HECB statewide priorities

- Other budget-related issues
  - Tuition recommendation:
    - Link to per capita income (4%, 3.2%)
    - Optional local increase (up to 2% per year)
  - Accountability:
    - Review current system, with recommendations to include distance education and technology
HECB agency budget

- Access enhancements
  - Need Grant, Work Study, Displaced Homemaker
- Quality enhancements
  - Distinguished professorships/graduate fellowships, undergraduate fellowships, competency-based pilots
- Accountability resources
  - 2000 Master plan, capital planning/oversight, accountability and assessment oversight

Other legislative issues

- Foreign degree-granting institutions
- Advanced College Tuition Payment Program
- Tuition waivers
- Proposals from institutions
  - Possible issues: endowment, institutional flexibility, residency and minimum tuition, Bright Futures

Reports to the Legislature

- Spokane year-end status report
- Financial aid policy recommendations
- Accountability — review, recommendations
- Competency-based admissions
- Updates — NSIS, rural studies, capacity
Nov. 5, 1998

John Alsoszatai-Petheo  
Chairman, Faculty Senate  
The Central Washington University Faculty Senate  
Barge 409  
Ellensburg, Wash  
98926-7509

Dear John,

This letter constitutes formal notice that the Daily Record considers the holding of a closed meet­
ing session by the Central Washington University Faculty Senate in which the Senate discussed the  
manner in which they would vote on Referendum Motion No. 3177 to be a violation of RCW 42.30,  
the Open Meetings Act.

The act provides for personal liability in the form of a civil penalty in the amount of $100 for each  
member of the governing body who attends a meeting where action is taken in violation of the act.  
Furthermore, actions purported to be taken at such a meeting are void, and your agency is liable  
for attorney fees in the event it is necessary to obtain a court order prohibiting this or future vi­
olations.

Very truly yours,

Bill Kunerth  
Publisher

Peggy Steward  
Managing Editor

Mike Halliday  
Reporter

cc: Barbara Radke, Director, University Relations  
Teresa Kulik, Asst. Attorney General
Dr. John Alsoszatai-Petheo  
Chair, Faculty Senate  
Central Washington University  
Ellensburg, Washington 98926  

RE: Faculty Senate Meeting and Open Public Meetings Act  

Dear Dr. Alsoszatai-Petheo:  

I am writing to confirm my advice to you in a telephone conversation of November 6, 1998 regarding the applicability of RCW 42.30, The Open Public Meetings Act (OPMA), to a recently held executive session during a Faculty Senate meeting. The executive session was held as part of a Faculty Senate meeting, to discuss procedural issues relating to Motion No. 3177, which dealt with taking a confidence/no confidence vote on President Nelson.

Briefly, RCW 42.30 requires the “governing body” of a public agency, or a “committee thereof,” to hold open and public meetings. RCW 42.30.110 allows for holding an executive session closed to the public, and sets out very limited circumstances for holding such an executive session.

Pursuant to RCW 28B.35, the Board of Trustees is the governing body of Central Washington University and is subject to the requirements of RCW 42.30. The Faculty Senate at CWU is not a “governing body” or a “committee thereof.” Therefore, its meetings are not subject to the Open Public Meetings Act. If the Board of Trustees were to appoint the Faculty Senate as a committee to act on the Board’s behalf, the Faculty Senate would, in that setting, be subject to the OPMA. Here, where the Faculty Senate is clearly acting independent of the Board of Trustees, it is not subject to the OPMA.

I trust this information is of assistance to you. Please contact me if you have additional questions.

Sincerely,

Teresa C. Kulik  
Senior Assistant Attorney General

c: Mr. Bill Kunerth, Daily Record  
President Ivory Nelson