



TM

Board of Trustees Meeting
Full Board Packet

February 2022



BOARD OF TRUSTEES

CWU TRUSTEES QUARTERLY BOARD MEETING

February 17-18, 2022

Thursday, February 17

Board Work Session

SURC 301

10:00 CALL TO ORDER

- Approval of the Agenda
- Approval of October Minutes
- Official Communications
- Public Comment

PRESIDENT'S REPORT

BUDGET WORK SESSION

RESEARCH PRESENTATION

TRUSTEES LUNCH

University House (No business)

Reconvene – 1:30 PM (SURC 301)

HIGH IMPACT PRACTICES

UNIVERSITY CENTER ANALYSIS

UNIVERSITY ADVANCEMENT UPDATE

DINNER

University House (No business)



Central Washington University
Board of Trustees
February 17, 2022

ACTION – Approval of the minutes of the regular meetings of October 21-22, 2021.

We recommend the following motion:

The Board of Trustees of Central Washington University hereby approves the minutes of the regular meetings of October 21-22, 2021.

Submitted:

A handwritten signature in black ink that reads "Linda Schactler". The signature is written in a cursive style.

Linda Schactler
Chief of Staff

Approved for Submittal to the Board:

A handwritten signature in black ink that reads "A. James Wohlpart". The signature is written in a cursive style.

Jim Wohlpart
President



BOARD OF TRUSTEES

**Board of Trustees Minutes
Sid W. Morrison Board Room
October 21-22, 2021**

October 21, 2021

WORK SESSION

Vice Chair Conner convened the board work session at 10:02 a.m.

Trustees Present:

Robert Nellams, Chair (via Zoom)
Ray Conner, Vice Chair
Erin Black
Gladys Gillis
Paige Hall
Jeff Hensler
Zabrina Jenkins (via Zoom)

Staff to the Board:

Jim Wohlpart, President
Linda Schactler, Board Secretary & Chief of Staff
Joel Klucking, Board Treasurer & Vice President for Business & Financial Affairs
Kim Dawson, Executive Assistant to the President/Board of Trustees
Alan Smith, Assistant Attorney General (via Zoom)

Executive Faculty & Staff:

Andreas Bohman, Vice President for Operations
Kandee Cleary, Vice President for Diversity, Equity, & Inclusivity
Michelle DenBeste, Provost/Vice President for Academic & Student Life
Paul Elstone, Vice President for University Advancement

Approval of Agenda

Motion 21-38: Ms. Gillis moved that the Board of Trustees of Central Washington University approve the agenda of the meetings of October 21 and 22, 2021. Ms. Black seconded the motion, which the board unanimously approved.

Approval of Minutes

Motion 21-39: Ms. Gillis moved that the Board of Trustees of Central Washington University approve the minutes from the meetings of July 28 and 29, 2021. Mr. Hensler seconded the motion. The motion was approved.

PUBLIC COMMENT

No one signed up for public comment.

COMMUNICATIONS

1. Letter, September 17, 2021, from CWU alumni soccer players/community supporters, regarding the resignation of Women's Soccer Coach.
2. Letter, September 20, 2021, from a student, regarding a class issue.
3. Letter, September 21, 2021, from CWU alumni soccer players and graduate assistants, regarding the resignation of Women's Soccer Coach.
4. Email, October 11, 2021, Julee Simmons, regarding vaccination exemptions.

PRESIDENT'S REPORT

President Wohlpart reviewed the agenda and updated the board on strategic planning. The university community and external supporters responded to our survey to gather input regarding the development of a new vision and mission. The steering committee will now spend time analyzing and coding the feedback in order to make certain all voices are heard in the process. Open forums on draft vision and mission statements will be held during winter quarter.

PROVOST'S REPORT

Provost DenBeste reported that a central strategy for improving student retention and overall success is the use of "high-impact" practices (HIPs) in teaching and research. HIPs engage students by providing richer more lasting, and more personal connections to subject matter. HIPs demand considerable investments of time and effort by students and often highlight "real-world" applications and relevance. The approach offers meaningful interactions between faculty and students, frequent and substantive feedback, as well as collaboration across disciplines and cultures.

Examples of these practices include capstone courses and projects, study abroad, internships, community-based learning/service learning, undergraduate research, writing intensive coursework, common intellectual experiences, first year seminars, ePortfolios, and collaborative assignments and projects.

CWU provides an excellent array of such opportunities, but they are not necessarily organized in an intentional way, nor are they accessible to all students. In order to improve graduation rates, enhance students' sense of belonging, and ensure they are prepared for the workplace, universities must ensure that all students have access to more than one high-impact practice during their university careers.

BUDGET WORK SESSION

Vice President Klucking gave a budget update. Fall-quarter enrollment is the official benchmark used by the state and the university for budgeting. As student enrollment is CWU's main budgetary driver, fall-quarter data allows us to evaluate the assumptions made during the budget development process throughout the preceding months. In July, the board reviews and approves a draft budget, including proposed investments, estimated enrollment, and other factors. The budget is finalized in October based on official enrollment data.

Each year after the tenth day of classes, when students have added or dropped classes and enrollment has stabilized, staff create a fresh revenue forecast for the remainder of the year for all fund groups. Historically, this has provided a very accurate prediction of the full-year financial activities. VP Klucking said we have taken the same care with this year's forecast as in the past, but need to insert some cautionary notes; the change in instructional modality, on-campus residency, and potential COVID-19 activity presents a higher level of uncertainty in the ability to predict enrollment and budget for the balance of the year.

Fall 2021 enrollment was originally projected to be down about 4% compared to the prior fall, due mostly to circumstances created by the global pandemic. Actual enrollment at Fall 2021 10th day census was 10,212, down 8.8% from the prior year. The majority of the decline is the result of lower first-year and new transfer students; continuing student persistence remained relatively strong. This overall enrollment is projected to result in relatively minor adjustment to revenues and related operating expenses.

The work session ended at 11:45 a.m. Board members and President and Mrs. Wohlpart had lunch at University House. No business was conducted.

The work session reconvened at 1:30 p.m.

HIGH IMPACT PRACTICES

Provost DenBeste introduced guests from CWU's Teach STEM program. During this portion of the board meeting, students and faculty in this program will demonstrate some of the ways that the principles of high impact practices are integrated in to their degree program. [CWU Teach STEM](#) is the only UTeach program in Washington state. The program is an innovative teacher preparation model that includes collaboration between sciences and education that supports students seeking teaching certification in science and mathematics fields. The STEM Teaching Program uniquely supports students, who can immediately apply what they learn in K-12 classrooms, from their first course throughout the entire program.

The following faculty and students also participated in the presentation to the board:

- Jennifer M. Dechaine, professor in the Departments of Science and Mathematics Education and Biological Sciences, Science and Mathematics Education chair, and co-director of CWU's UTeach program.
- Allyson Rogan-Klyve, Assistant Professor of Science and Mathematics Education
- Darin Knapp, Associate Director for CWU Des Moines and Clinical Faculty in Science and Mathematics Education.
- Matthew Changer, CWU Teach STEM and Geology
- Tiffany "Casey" Casey, CWU Teach STEM (Des Moines)
- Yaheely Ruiz, CWU Teach STEM and Biology

CULTURE OF INCLUSION

Dr. Cleary lead the group in a discussion about new initiatives to help student and employees to feel included and welcomed, and to promote and support diversity and equity in everything we do. Sigrid Davison and John Vasquez joined Dr. Cleary to present on the [Equity Score Card](#), both a process and a data tool. It combines a theoretical framework with practical strategies to initiate institutional change

that will lead to equitable outcomes for students of color. It is a change process to solve the problem of inequitable educational outcomes and it is based on research and interdisciplinary scholarship. CWU will use the Equity Score Card to assess and make meaning of disaggregated, identify structural barriers to student success and implement best practices in removing those barriers.

The implementation of the Equity Scorecard will inform the expansion of the objectives and outcomes identified in Theme II of the university Strategic Plan. This will be followed by college diversity strategic plans and an equity audit. Finally, throughout the 2021-2022 academic year we will use the Scorecard to assess our progress and develop recommendations by which to increase equity for students and employees of color.

EXECUTIVE SESSION

The board convened in executive session at 3:35 p.m. for one hour for the purpose of reviewing the performance of a public employee, per RCW 42.30.110(1)(g). Executive session ended at 4:02 p.m.

October 22, 2021

BOARD RETREAT

Trustees and the Executive Leadership Team participated in a retreat discussion centered on George Keller's book *Transforming a College* at Hotel Windrow from 8:30-10:30 a.m.

BUSINESS MEETING

Vice Chair Conner convened the business meeting at 10:45 a.m.

Trustees Present

Robert Nellams, Chair (via Zoom)
Ray Conner, Vice Chair
Erin Black
Gladys Gillis
Jeff Hensler
Paige Hall
Zabrina Jenkins (via Zoom)

Kim Dawson, Executive Assistant to the President/Board of Trustees
Alan Smith, Assistant Attorney General (via Zoom)

Staff to the Board:

Jim Wohlpart, President
Linda Schactler, Board Secretary & Chief of Staff
Joel Klucking, Board Treasurer & Vice President for Business & Financial Affairs

Executive Faculty & Staff:

Michelle DenBeste, Provost/Vice President for Academic & Student Life
Andreas Bohman, Vice President for Operations
Kandee Cleary, Vice President for Diversity, Equity and Inclusivity
Paul Elstone, Vice President for University Advancement

BOARD PLANNING

Vice Chair Conner explained that the president's contract and best practices require the board to assess the president's performance each year, generally at our summer meeting. Over the past several months the president has met with each board member, with university leadership, and with employees and students, to develop recommended goals for himself. President Wohlpart then walked through the goals and metrics with the group. Vice Chair Conner noted the board had a draft motion before them to adopt the goals and metrics as presented.

Approval of President's Goals and Metrics

Motion 21-40: Ms. Gillis moved that the Board of Trustees of Central Washington University approves the proposed performance governance, student engagement, and external relations goals and metrics for President A. James Wohlpart, pursuant to the requirements of Section IV of the contract between the Board and Dr. Wohlpart signed January 14, 2021. Ms. Black seconded the motion, which the board unanimously approved.

Vice Chair Conner asked that the board secretary create a communication from the board to the university community articulating these goals and metrics.

ACTION AGENDA

Approval of Consent Agenda

The formal recognition of employees is contained in our consent agenda.

Motion 21-41: Ms. Black moved that the Board of Trustees of Central Washington University hereby approves the consent actions items submitted October 22, 2021. Mr. Hensler seconded the motion. The motion was approved.

Approval of Route Easement for the Palouse to Cascades State Park Trail

Motion 21-42: Mr. Hensler moved that the Board of Trustees of Central Washington University hereby grants the City of Ellensburg a trail and utility easement for Palouse to Cascades State Park Trail Reconnection Route Extension, which is located at Portion Section 36, Township 18 North, Range 18 East, Willamette Meridian. Ms. Black seconded the motion. The motion was approved.

Approval of Final FY 22 Budget

Motion 21-43: Ms. Gillis moved that the Board of Trustees of Central Washington University hereby approves the final budget for Fiscal Year 2022 as presented. Mr. Hensler seconded the motion. The motion was approved.

The next regularly scheduled meeting of the board will be February 17-18, 2022.

Meeting adjourned at 11:08 a.m.



Linda Schactler, Secretary to the
CWU Board of Trustees



Robert Nellams, Chair
CWU Board of Trustees



CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 17, 2022

EXECUTIVE SUMMARY – Board Communication Report

The Board acknowledges receipt of the following communications:

1. Letter, October 28, 2021, from anonymous CWU Employees, regarding mandatory COVID-19 testing.
2. Email, December 31, 2021, from David Utting, regarding Nick Zentner.

Submitted:

A handwritten signature in black ink that reads 'Linda Schactler'.

Linda Schactler
Chief of Staff

Approved for Submittal to the Board:

A handwritten signature in black ink that reads 'A. James Wohlpart'.

Jim Wohlpart
President

28, October 2021

Central Washington University

ATTN: President Jim Wohlpart, CWU Board of Trustees, CWU HR, CWU Legal Counsel, CWU Vice Presidents, CWU Supervisors

Attachment:

(1) CONSTRUCTIVE NOTICE AND WARNING TO ALL WASHINGTON STATE EMPLOYERS

We are writing this letter, representing the views of numerous employees, out of deep concern regarding mandatory Covid-19 testing of medically exempt and religiously exempt employees and affirming our rights and your obligations under the law.

As our employer, with the assumed duty to enforce a workplace vaccine mandate, it is crucial you are aware that neither POTUS, nor the Governor, nor any of the State Executive Cabinet agencies can delegate authority to you that they do not have themselves. These entities, lacking statutory authority, cannot dictate to you whom to hire or terminate, nor specific conditions of anyone's employment. Thus, the actual policies relating to a workplace 'vaccine' mandate are implemented entirely at your discretion, and you bear full responsibility for ensuring that the policies adhere to established non-discrimination laws. Please refer to the Constructive (Legal) Notice attached for clarification of pertinent laws.

The Social Security Act, as codified in Federal law at Title 42, Chapter 7, Subchapter XIX, Section 1396 (f), Provides a "religious exemption" from all unwanted vaccinations and provides that no one is required by law to undergo any medical screening, examination, diagnosis, or treatment if such person objects thereto on religious grounds. Furthermore, the Revised Code of Washington (RCW) 49.60.030 – Freedom from discrimination – confirms your right to be free from discrimination because of creed and confirms your "right to obtain and hold employment without discrimination." We did not ask for accommodations. We asked for exemptions based on the law, and we want to carry out our work obligations without discrimination.

Regarding mandating testing for medically and religiously exempt employees, this practice unfairly discriminates against us and segregates us from our vaccinated co-workers when it has been proven that everyone is capable of contracting Covid-19 and spreading the disease, both vaccinated or unvaccinated. This has been established as a fact at CWU by the faculty, staff, and students who have contracted Covid-19 after being fully vaccinated.

Another question that needs to be addressed is how a supervisor or co-workers from custodial services can monitor testing. That is a clear HIPAA violation and puts into question their medical liability for supervising and administering a medical test.

Before any continued mandatory Covid-19 testing occurs on CWU's campus of medically and religiously exempt employees, we demand a response from CWU legal counsel stating Central Washington University's legal authority to single out medically and religiously exempt employees for Covid-19 testing over other groups on campus.

We all have invested our lives and the lives of our families in serving CWU and the greater Ellensburg community. Please do not treat us differently because of our medical conditions and or sincerely held religious beliefs. It is all of our desires to continue to serve this community while being treated fairly, equally, and without discrimination. Please respond in a campus-wide mailing addressing these concerns, so all employees know by what authority CWU enacts this Covid-19 testing policy for medically exempt and religiously exempt employees over other groups on campus and explain how this is not discrimination.

Sincerely,

Dedicated CWU Employees

**CONSTRUCTIVE NOTICE AND WARNING TO ALL WASHINGTON STATE
EMPLOYERS, NOTICE TO PRINCIPAL IS NOTICE TO ALL AGENT(S), AND
NOTICE TO AGENT IS NOTICE TO ALL PRINCIPAL(S)**

To all Employers, and all Business Owners, and/or to whom it may concern, this legal informational flyer is meant to provide you advance constructive and actual “legal notice” that I am under no legal obligation to wear a mask or be Vaccinated for the Covid-19 Virus or PCR-Tested in your place of business which is a place of “Public Accommodation” under both Federal Laws (28 CFR § 36.202) and Washington State Law as codified at RCW 49.60.030 and RCW 49.60.215. It is undisputed that there is no statute or law in existence that requires me to be vaccinated, tested or masked or that allows any Employer in the State of Washington to grant or deny the continued employment or new employment of any person based upon whether or NOT they have received a Covid-19 Vaccination or PCR Test. I have a “vested” Constitutional Right to my continued employment under the common law pursuant to RCW 4.04.010; RCW 9A.04.060; CrR 1.1; 1 Sutherland Statutory Construction (3d ed.), p 525, § 2043.

Washington State Governor Jay Inslee, and the Chief Medical Officer Dr. Kathy Lofy only have the power granted by statute. Hoppe v. King County, 95 Wn.2d 332, 337, 622 P.2d 845 (1980); 63 Am. Jur. 2d, Public Officers and Employees, section 263 (1972); Neither officer can make laws on their own motion without violating “The Separation of Powers Doctrine.” State v. Osloond, 60 Wash. App. 584, at 587, 805 P(2d) 263 (1991); Myers v. United States, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160 (1926). Only the legislature can make laws. “A flat prohibition against regulation of a matter in one direction does not give Congress power to regulate the matter in another direction.” Powe vs United States, 109 F.2d 140 (1940). **Neither officer can re-delegate any authority or power to Employers to hire or fire any employee for refusal to be vaccinated or masked in their work place without violating “The Non-Delegation Doctrine.”** Noe v. Edmonds Sch. Dist. 15, 83 Wn.2d 97, 515 P.2d 977 (1973); Ledgering v. State, 63 Wn.2d 94, 385 P.2d 522 (1963). What the Legislature is forbidden to do directly, certainly [the Governor and Chief Medical Officer] cannot [illegally solicit or recruit Employers] to do indirectly.” The City of Seattle v. Filson, 98 Wn.2d 66 (Nov. 1982).

Any Employer who gives False Legal advice is subject to being charged with and prosecuted for “unauthorized practice of law” pursuant to RCW 2.48.180 et seq, or “practicing medicine without a license” in violation of RCW 18.130.190. This notice is also to inform you that “forced vaccinations or forced masking” violates my Constitutional Rights under both Constitutions, State and Federal, the laws of the State, the laws of the United States, and the 1964 Civil Rights Act, which are

enforceable via Title 42, Section 1983.

It is undisputed pursuant to CR 8(d), that the Social Security Act as codified in Federal law at Title 42, Chapter 7, Subchapter XIX, Section 1396 (f), cited hereafter as “42 U.S.C. § 1396f”, which provides a “**religious exemption**” from all unwanted vaccinations and provides that no one is required by law to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under such plan for any purpose if such person objects (or, in case such person is a child, his parent or guardian objects) thereto on religious grounds.

Washington law at RCW 7.70.050; RCW 7.70.030; RCW 7.70.040, and W. PROSSER, LAW OF TORTS 165 (4th ed. 1971), indicates that the Chief Medical Officer of this State Dr. Kathy Lofy has a duty to disclose that 21 U.S.C. § 360bbb-3, requires that all Doctors and Employers are to provide the appropriate conditions designed to ensure that individuals to whom the Covid-19 Vaccine or PCR Test is administered are informed . . . **“of the option to accept or refuse administration of the [medical] product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefit and risks”** as clearly stated in subsection (e)(1)(A)(ii)(III) of 21 U.S.C. § 360bbb-3, and as required by the **“Doctrine of Informed Consent”** whose main purpose is to protect the patient from being given “Unauthorized Treatments or PCR Tests” without the patients knowledgeable permission. If any physician performs any treatments or tests on any patient without fully informing the patient of his or her “option to accept or refuse administration” of any “Emergency Use Authorization” of any PCR Test and/or any Covid-19 Vaccination under 21 U.S.C. § 360bbb-3 (e)(1)(A)(ii)(III), he has committed an **assault and battery** against that patient for failure to obtain the patients knowledgeable permission. All vaccine-mandating employers could be sued. Holt v. Nelson, 11 Wn.App. 230 (1974); Miller v. Kennedy, 11 Wn.App. 272 (1974); Miller v. Kennedy, 85 Wn.2d 151 (1975); Gates v. Jenson, 92 Wn.2d 246 (1979); ZeBarth v. Swedish Hosp. Med. Center, 81 Wn.2d 12 (1972); Harris v. Groth, 99 Wn.2d 438 (1983); Smith v. Shannon, 100 Wn.2d 26 (1983); Watkins v. Parpala, 2 Wn.App. 484 (1970); Canterbury v. Spence, 464 F.2d 772 (D.C.Cir.), cert. denied, 409 U.S. 1064 (1972).

SUMMARY OF CONSTRUCTIVE NOTICE

A. Separation of Powers Doctrine refers to the division of government responsibilities and functions.

Only the legislature can make laws. WA governor Inslee and Chief Medical Officer Dr. Kathy Lofy are not part of the legislature. They cannot make laws. When laws are created (by legislature) they have RCW codes and WAC codes connected to them. Thus there is no force of law behind the mandates.

Mandatory/Emergency/Required/Requested/Ordinance/Proclamation=NOT A LAW

RCW(Revised Code of Washington). . . . **WAC**(Washington Administrative Code)

B. The Non-Delegation Doctrine refers to the fact: If you don't have the power to do something THEN you don't have the power to delegate it to someone else.

WA governor Inslee and Chief Medical Officer Dr. Kathy Lofy, neither of which have the power to issue law, CANNOT give the power to Employers to Mandate, Require or Order their employees to accept an experimental vaccination as a condition of employment.

C. RCW 18.130.190 and RCW 2.48.180

1. Employer who is not a lawyer who gives you **False Legal Advice** is subject to being charged with and prosecuted for "unauthorized practice of law"(RCW 2.48.180)
2. Employer who is not a Doctor and who gives you **Medical Advice** is subject to being charged with and prosecuted for "practicing medicine without a license"(RCW 18.130.190)

D. Doctrine of Informed Consent

"INFORMED CONSENT" is the critical legal term that really secures our freedom to choose what we allow to be done to our body. The two words "Informed" and "Consent" say it all. All doctors must provide informed consent before offering any medical treatment or procedure. Pharmacists even perform a kind of informed consent before they complete the sale of a prescribed drug (often this comes with the package insert).

What is required for "Informed Consent" to be met?

1. **Inform:** A doctor must inform the patient of all risks, dangers and benefits of the supposed medical treatment or surgery AND the risks, dangers and benefits of other alternative treatments/surgeries AND the risks and dangers and benefits of declining.
2. **Consent:** The doctor must get your consent (your acceptance) to move forward with the treatment/surgery. "Informed Consent" cannot be contaminated in the slightest way by coercion (Rewards and/or Punishments (physical/emotional or financial)).

Because employers and government officials are NOT doctors they do not have the qualifications to meet the INFORMED requirement and any mandated/compulsory intervention invalidates the CONSENT requirement.

E. Liability for Damages: The WA leadership is leaving the burden of vaccine mandate enforcement to employers. WHAT COMES WITH THIS IS LIABILITY!!! WA leadership has quietly shifted all the legal liability on employers!

1. Vaccine Companies have immunity from vaccine damages.
2. If an employer requires their employees to get vaccinated as a condition for employment, a VACCINE INJURY becomes a WORKPLACE INJURY.
3. If vaccine injury happens, it may not be covered by L&I insurance because all Covid vaccines remain under EUA making them experimental, leaving employers open to SERIOUS litigation. This worse case liability MUST be teased out before moving forward with any new company policy regarding vaccines

From: David Utting <david@davidutting.com>
Sent: Friday, December 31, 2021, 11:26 PM
To: Linda Schactler
Subject: For the attention of the board of trustees

Dear Linda
Secretary to the board of trustees

Can you please draw the board's attention to the letter below that I have submitted to your local newspaper for publication?

I think the contribution made by Nick Zentner is so outstanding that he should be considered for the awarding of a PhD through an alternative pathway other than research.

I live in Western Australia which is often confused with Washington due to our WA abbreviation, but make no mistake Nick's contribution has reverberated around the world.

Please see below a letter I have written to the local newspaper and I look forward to learning a lot more about Ellensburg and the state of Washington and the Pacific Northwest through Nick's tireless work.

From: David Utting <david@davidutting.com>
Date: 1 January 2022 at 3:09:46 pm AWST
To: letters@kvnews.com
Subject: Letter to the editor

Dear Editor,

I know so much about Ellensburg and in particular its geology through my viewing and listening to Professor Nick Zentner's prolific viewings on YouTube and various audio podcasts.

His services to education and community engagement stands out as a truly outstanding achievement.

Some academics make their careers through research and others through education and teaching.

Could I humbly suggest that the University of Central Washington award a PhD To Nick in recognition of his hard and smart work which has really identified Ellensburg as a true centre of community care and academic excellence. This has a very serious side with people understanding more about earthquakes and vulcanism - This is not ivory tower academe but a very practical and useful contribution by Nick and the University of Central Washington.

I live in Western Australia and look forward to visiting your state once Covid subsides.

Cheers,

David Utting
Bachelor of science, graduate diploma in journalism, master of arts in literature and communication
Nedlands
Perth Western Australia
+61 416 187 462

Central Washington University
Board of Trustees
February 17, 2022

EXECUTIVE SUMMARY – FY22 Budget Presentation

Over the past several years there has been a significant amount of time and effort discussing budgets and financial outcomes across campus and to a lesser extent with the Board of Trustees. Despite the emphasis on budget and finance across campus, largely due to the implementation of the RCM/ABB budget model, we collectively lack comprehension or “sense making” of budget and financial issues.

Business and Financial Affairs staff have re-designed our approach to the presentation of budget and financial concepts to better match the desire for more consumable information to non-financial users.

Submitted:



Joel Klucking, Vice President
Business and Financial Affairs

Approved for Submittal to the Board:



Jim Wohlpart
President

CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 17, 2022

EXECUTIVE SUMMARY – Research Presentation: Geological Sciences and Sustainability Practices

Susan Kaspari, Ph.D., is a professor in the Department of Geological Sciences. She also teaches in Environmental Studies and for CWU's Sustainability Certificate and is currently serving as a Provost Faculty Fellow focusing on sustainability. Dr. Kaspari has spent the past twenty years using ice cores retrieved from mid-latitude glaciers and polar regions to reconstruct climate and environmental change. She also investigates how light-absorbing particles (e.g., dust and black carbon from fossil-fuel burning and wildfires) deposited on snow and glaciers accelerates melt and impacts the availability of water resources. She has conducted research in Antarctica, the Himalayas and Tibetan Plateau, Tajikistan, New Zealand, Switzerland, and Washington State, and will be conducting research in the Arctic (Svalbard) in fall 2022. CWU undergraduate and graduate students are actively involved in her research program. Dr. Kaspari's students regularly present at CWU's Symposium on Undergraduate Research and Creative Expression (SOURCE).

Dr. Kaspari will present on her current research related to climate and environmental change, including information on how important CWU students are to this research. Following the presentation, she will provide a short tour of the Ice Core and Murdock Laboratories in Discovery Hall.

In addition to Professor Kaspari, Dr. Angela Halfpenny, Murdock Laboratory Manager, and Department of Geological Sciences engineering technician students will be participating in the tour. CWU students Erliana Acob and Trent Adams also will be present.

Submitted:



Michelle DenBeste
Provost/Vice President for Academic and Student Life

Approved for Submittal to the Board



Jim Wohlpart
President

CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 17, 2022

EXECUTIVE SUMMARY – High Impact Practices in the Supply Chain Management Program

Once an obscure term, “supply chain” now appears daily in news stories and discussions ranging from shortages in grocery staples to impacts on global trade and financial markets. The references are so frequent that “supply chain” holds the number ten spot on the 2022 Banished Words List compiled by Lake Superior University.

At CWU, Supply Chain Management as a business concentration emerged in the early 2000s. The program benefits from a tradition of collaboration between the professional community and academic institutions. These relationships provide opportunities to innovate in the areas of program development and delivery.

Today, students from CWU’s team “No Chain, No Gain!” will share their experience and success in a regional supply chain case competition hosted by the Boeing company. The team members will share their backgrounds, discuss the competition experience and their success, and what lies ahead for them. We will then highlight other high impact practices we employ to prepare CWU graduates for their future careers and help them develop and maintain important industry and peer connections.

The presentation to the board will involve the following students:

- Eli Washburn
- Felicia Johnson
- Lindsay Smith
- Makinzie Packwood
- Wendell Jopson

In addition to the students, the following faculty also will participate in the presentation to the board:

- Carlo Smith, Chair, Department of Finance and Supply Chain Management
- Rob Ogburn, Lecturer, Department of Finance and Supply Chain Management and Boeing Case Competition Team Facilitator

Submitted:



Michelle DenBeste
Provost/Vice President for Academic and Student Life

Approved for Submittal to the Board



Jim Wohlpart
President



LEARN. DO. LIVE.

CWU UNIVERSITY CENTERS AND INSTRUCTIONAL SITES

Strategic Values and Assets, Challenges and Opportunities

February 9, 2022

Executive Summary

Since 1974, CWU has launched several satellite service locations in order to meet regional needs for baccalaureate education. Once reliant on Interactive television and face-to-face program delivery, CWU University Centers and instructional sites now serve students through Web-Ex, some face-to-face instruction, and programs that use a hybrid model of delivery—both face-to-face and virtual.

Over the same period of time and for the same reason—to provide baccalaureate opportunity to time- and place-bound students--the state has

- created six, urban-area branch campuses associated with the state’s research institutions; branch campuses offer full bachelor’s and master’s degrees programs;
- authorized community colleges to offer baccalaureate degrees and Bachelor of Applied Science degrees;
- authorized dozens of out-of-state institutions to offer degrees in Washington; and
- launched Western Governors University-Washington, offering competency-based degree programs.

In summer 2021, the Board of Trustees asked for an analysis of satellite campuses in order to inform long-term planning. In response, staff undertook an analysis of the impact of the operation of University Centers and instructional sites on the state tuition fund, Fund 149. The analysis does not consider general overhead costs for accounting and payroll and other services. Nor does it consider costs and revenue associated with fees students pay at satellite locations for the general use of student programs (Services & Activities Fee, Technology Fee, etc.).

Key Findings

Overall, tuition (Fund 149) generated exceed Fund 149 expenditures at University Centers/sites by \$500,677. Increasingly the University Centers have been pinched by competition from neighboring branch campuses, online programs and community colleges. Because program offerings are controlled by individual academic colleges—which, generally are not specifically funded for satellite programming—University Centers/sites lack a cohesive strategy for responding to program demand and a corresponding strategy and budget for marketing.

University Centers are, however, instrumental in generating transfer enrollment, currently accounting for 23% of CWU’s 10,006 undergraduate students. In AY20-21 total fall transfers were 3,985, of which 2,310 came from partner community colleges or 58% of all transfer students. About 40% of CWU’s undergraduates are transfer students. The overall tuition contribution for host college transfer students has been approximately \$14 million each year. This includes students transferring to the CWU Ellensburg campus, University Centers, instructional sites, and online. For fall 2021, CWU’s six University Centers were top Washington sources of transfer students:

Fall 2021 CWU Top Transfer-Student Institutions				
1.	Yakima Valley CC	85	13. Shoreline Community College	20
2.	Pierce College	73	14. Olympic College	17
3.	Wenatchee Valley College	59	15. South Puget Sound Comm College	15
4.	Edmonds Community College	33	16. University of Washington	14
5.	Highline Community College	33	17. Grays Harbor College	14
6.	Big Bend Community College	32	18. Eastern Washington University	13
7.	Green River Community College	30	19. Skagit Valley College	12
8.	Bellevue College	27	20. Spokane Falls CC	11
9.	Everett Community College	26	21. Clark College	11
10.	Tacoma Community College	24	22. Centralia College	10
11.	Columbia Basin College	22	23. Western Washington University	10
12.	Washington State University	21		

Facilities are modern and in desirable locations. CWU has led the work to secure state funding for University Centers in partnership with host colleges. As well, CWU has used bond funds to improve facilities at Lynnwood and 148 (self-support) funding to lease facilities at Sammamish. The higher education centers at the colleges all are excellent facilities. And the shift to Web-Ex from ITV has improved the virtual experience for students.

CWU has the opportunity to leverage the significant state and CWU investment in University Centers/sites by:

- optimizing class size for face-to-face classes
- creating a strategic plan that includes budget and operations structures that support local decision-making and marketing for program offerings
- Creating and funding a marketing plan to support University Center goals.

Please see detailed recommendations on page 21.

BACKGROUND

CWU provides upper-division academic programs and certificates at University Centers co-located with community colleges in six locations. CWU also operates instructional sites at Sammamish and at Joint Base Lewis-McChord (JBLM). CWU-Sammamish is providing Running Start (high school) courses as well as degree completion courses. CWU JBLM is providing certificates and courses in Supply Chain Management.

University Centers were launched in the 1970s in response to the demand of time- and place-bound individuals for degree programs. Once sited in store fronts, high schools, and prefabricated buildings, the University Centers now are located in state of the-art buildings on community college campuses. Funding requests for the facilities were made through the CWU capital budget process, including a 20-year certificate of participation at Lynnwood CWU continues to retire at the rate of \$360,000 per year. University Center buildings are “owned” and maintained by community colleges, which receive state funding for operating costs. The use of all classrooms is shared by CWU and the host community college. CWU leases the Sammamish site.

Initially, programs at University Centers were offered face-to-face and through once state-of-the-art distance-education technology—Interactive TV. CWU slowly migrated away from this old, relatively costly technology and since 2017 has provided distance education solely through WebEx.

The Dean of Extended & Global Education oversees University Centers/sites, as well as continuing education, international studies and programs, multimodal learning, and high school partnerships program; the Executive Director of Extended Learning manages operations and staff at University Centers/sites. CWU employs one site director at each western Washington location—Des Moines, Pierce, and Lynnwood/Sammamish (one position for both locations). Two directors coordinate the activities of the three eastern Washington campuses. The directors manage the activities of the facilities to which they are assigned. As well they are charged with developing strong ties to the community colleges where they are co-located and with building networks within their communities to understand local economic opportunities and challenges.

Academic colleges decide which degree programs they will offer or eliminate at a University Center/site. The college pays instructional costs for program delivery. Payments for online connectivity through the state K-20 network come from the CWU Division of Operations; WebEx licensing is funded by a mandatory fee paid by all students and managed by the CWU Multimodal Education Center.

University Center student populations are very diverse. Table 1. provides the demographic profile of students at University Centers.

**Table 1. Overall Demographic Profile
University Centers and Sammamish Instructional Site**

		First Year Freshman Ellensburg	Transfer Students		
			Ellensburg	Univ Center	Online
Age	U18-19	97%	38%		
	20-24		48%	44%	35%
	25-34		10%	23.5%	36%
	35-49			15%	20.5%
Gender	Female	52%	51%	71%	68%
	Male	48%	49%	29%	32%
Traditionally Under-represented Groups of Students		42%	41%	57%	40%
Pell Eligible		37%	38%	40%	48%
European, Middle Eastern, White		56%	55%	39%	55%
Black, Indigenous, People of Color		44%	45%	61%	45%

University Center and Instructional Site Timeline

CWU Pierce County (1974) : CWU’s first University Center partnership was with Pierce College, which operates two campuses: one in Puyallup and one in Fort Steilacoom. CWU launched programs at Fort Steilacoom in 1974 with a focus on teacher preparation programs. In 2005, CWU requested state capital funding to move CWU programs out of the portable units and into a new facility, “Olympic Building.” Pierce is CWU’s third largest University Center and second highest transfer sending institution. Education, Social Sciences, and Law and Justice were the primary program offerings; the BAS Information Technology and Administrative Management (ITAM) and BS Interdisciplinary Studies (IDS) were later added in an FTE-sharing agreement with Pierce College in 2006, which continues today: the state pays Pierce College for FTE targets in ITAM, IDS and Social Services, then a portion of the FTE dollars are paid to CWU based on CWU-Pierce County hitting enrollment targets.

CWU-Lynnwood (1975): The Lynnwood campus was established in 1975 with a focus on business, accounting, law and justice, and education. In 2001, CWU received a state capital appropriation of \$5.875 million for the construction of Snoqualmie Hall on the campus of Edmonds Community College. In August 2002, CWU entered a 20-year lease/purchase agreement for \$5.145 million with the Office of the State Treasurer to pay for a portion of an instructional building at Edmonds Community College to house the CWU-Lynnwood Center. Average annual payments are \$384,000 to be paid from tuition revenues for 20 years. Under the terms of the project contract, Edmonds Community College receives ownership of the building and Central Washington University has a tenant right in perpetuity. In 2012 CWU secured \$3,345 million in bond funds to refinance the original debt and continues to pay \$360,000 per year in bond payments. This debt will be retired June 1, 2023.

The education program moved from Lynnwood to Des Moines in 2013 due to low enrollment. CWU also has a shared FTE agreement with Edmonds Community College for students in ITAM.

CWU-Yakima (1980): The third University Center was established in 1980 with a focus on the Yakima Valley's need for more teachers. Programs expanded to Law and Justice, IDS, minors in psychology and sociology. Courses were offered toward a degree in General Business and Accounting. In 1989, the legislature created WSU and UW branch campuses and directed in RCW 28B.45.060 that "Central Washington University is responsible for providing upper-division and graduate-level higher education programs to the citizens of the Yakima area." In 2003 CWU and Yakima Valley College (YVC) partnered to secure \$18 million in state funds to construct a state-of-the-art education center. In 2011, the College of Business reduced courses offered at Yakima, Wenatchee and Moses Lake to core courses only. The BS Law and Justice withdrew to online only in 2014. Currently the only programs offered at Yakima are elementary education and a BS in IDS. CWU-Yakima is now the fourth largest University Center.

CWU-Des Moines (1981): CWU-Des Moines started at SeaTac in a vacant high school in 1981 expanding CWU's reach to meet teacher training demands and business and industry needs. In 2001, CWU received \$2.5M to design and, in 2003 \$8 million to construct the current University Center at CWU-Des Moines on the Highline College campus. Degree Programs offered at CWU-Des Moines include General Business, Accounting, Supply Chain Management, Elementary Education, Law and Justice, IDS, ITAM, STEM teacher education, Hospitality and Computer Science. Certificate Programs offered (online) include Sport Business and Supply Chain Management.

CWU-Wenatchee (1984): CWU developed this partnership to meet the demand for more teachers in north central Washington. Originally located just off the Wenatchee Valley College campus, CWU received \$3 million to design and construct a facility on the WVC campus and moved there in 2004. Programs expanded based on the demographics in Wenatchee to the BS Interdisciplinary Studies-Social Sciences (IDS), and minors in psychology and sociology, as well as courses in General Business and Accounting. In 2011, the College of Business reduced courses offered at Yakima, Wenatchee and Moses Lake to core courses only. Law and Justice moved its BS program to online only in 2014. Currently the only programs offered at CWU-Wenatchee are elementary education and IDS.

CWU-Moses Lake (1991): The partnership with Big Bend Community College (BBCC) has largely centered on degree programs in aviation management and professional pilot training. In the 2003-05 state capital budget, CWU received \$600,000 in state funding to improve the Moses Lake facility at BBCC. CWU and Big Bend Community College (BCCC) shared a faculty position in aviation until Big Bend ended the agreement in 2015. CWU has offered elementary education (combined cohort with Wenatchee), IDS, ITAM and courses in business and accounting. CWU has struggled to secure strong enrollment at Big Bend due to the workforce-education focus of the community college. Aviation and professional pilot training were the exception. These programs have been moved to Ellensburg or online. CWU currently offers IDS and Elementary Education.

North Snohomish Island Skagit Higher Education Center (1997-2016): In 1997 the state legislature formed the North Snohomish-Island-Skagit (NSIS) Consortium of higher education institutions in Everett to create a flexible and innovative means for expanding higher education opportunities for residents of the three counties. The NSIS Consortium was committed to providing opportunities for place-bound residents whose work and family commitments precluded travel to a residential campus. In 2005, the legislature named consortium member Everett Community College as manager of the University Center. CWU ended service at this location when the legislature turned over its management to Washington State University in 2016.

Joint Base Lewis-McChord (2015): CWU is one of seven institutions authorized to offer programs at JBLM, the largest military installation on the West Coast. CWU signed an MOU with JBLM to share a space with City University in the Stone Education Center in 2015. Per the requirements of our accrediting agency, JBLM is classified as an instructional site. CWU has one staff person at this location reporting to the Regional Director at CWU-Pierce County. All support services are provided at CWU-Pierce County; all students are assigned to CWU-Pierce County for advising, student services, and administrative needs. Currently the only program offered at JBLM is Supply Chain Management, which offered its first class on base in fall 2017.

Sammamish (2017): In 2017, CWU signed an MOU with the City of Sammamish for the lease of a property that had served as a large church for many years. The lease requires a flat-rate payment for three years, escalating in each of the following years by \$60,000 annually. There is an option to purchase the property at any time at a guaranteed rate of \$9 million, escalating annually by the Seattle-area CPI. CWU opened the 30,000-square-foot facility in Sept. 2017 as an “instructional site,” providing general-education, undergraduate classes, which are available to the public, including Running Start programs for high school students. CWU also partners with the City of Sammamish to offer community events and Continuing Education programs. CWU holds sub-lease agreements with the YMCA for community recreation (\$7,267/month) and with Microsoft for commuter parking (\$968/Month). CWU-Sammamish is proximate to several K-12 school districts. Currently program offerings include hybrid ITAM master’s and bachelor’s degrees and one online bachelor’s degree program.

Which other universities have “centers” or satellite locations?

Research universities have six branch campuses; comprehensive universities have 15 “centers”; EWU has a campus at Riverpoint Higher Education Park in Spokane as well as at Cheney. Following is a map of public university satellite locations and residential campuses.



University Center/site Enrollment, Staffing, and Financial Information

The following section of this report outlines enrollment for each University Center. It also includes the overall transfer-student enrollment impact of co-located community college partnerships. Each chart includes staffing, program offerings, and financial information. For Academic Years (AY) 2019-20 and 2020-21, some or all of community college education was required to occur online, due to COVID restrictions.

The revenues include overall averaged academic-year net tuition and state support allocations for administrative costs. Expenses outline averaged faculty, total-year administrative staff, applicable lease/bond costs, and total-year indirect staffing costs. "Indirect" staff numbers represent state/tuition funded positions who provide support for University Centers. Programs are listed with the number of courses taught on-site for each location. Faculty numbers listed in each chart do not teach only for that specific location. Most departments/colleges utilize their faculty at University Centers to teach courses for Ellensburg and online programs in addition to courses delivered at the center.

**Table 2. CWU-Pierce
State/Tuition Fund**

	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	457	498	517	535	513	485
Headcount	179	197	192	235	190	188
Financial Review						
Allocated Revenues	107,017	177,504	176,164	171,836	180,476	175,945
Indirect Revenues	74,847	77,162	79,549	82,009	84,545	87,160
Est. Tuition Net Revenue via SCH (Blended Rate)	660,958	547,610	605,739	526,500	480,058	337,154
Web Tuition Net Revenue via SCH (Blended Rate)	796,066	837,345	711,859	776,806	578,833	767,360
Net Resources	1,638,888	1,639,621	1,573,311	1,557,151	1,323,912	1,367,619
Admin Staff	100,159	111,872	153,915	151,878	166,851	170,399
Admin Goods and Services	6,858	65,632	22,249	19,958	13,625	5,546
Bond/Lease Payments	*CWU and Community College Partners received state funding for construction; the state funds the college for operational costs.					
Indirect Staff	74,847	77,162	79,549	82,009	84,545	87,160
Est. Faculty Cost via Course Credit	762,222	565,948	579,521	633,944	510,077	261,363
Web Faculty Instruction via Course Credit	409,523	427,748	353,953	428,354	360,456	558,929
Net Expenses	1,353,609	1,248,362	1,189,186	1,316,142	1,135,554	1,083,397
Total: Estimated Profit/(Loss)	285,279	391,259	384,125	241,009	188,358	284,222

CWU-PIERCE STAFF / FACULTY FTE						
Staff on-site	3	3	3	2.75	2.75	2.75
In-direct staff on-site	1	1	2	2	1	1
Faculty on-site	2	3	3	2	1	1
PROGRAMS	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
# of Bachelor' Programs (in-person)	7	7	7	6	5	5
Programs	Supply Chain, ITAM, IDS, Law & Justice, Psychology Sociology/Social Services	Supply Chain, ITAM, IDS, Law & Justice, Psych, Soc./Social Services	Supply Chain, ITAM, IDS, Law & Justice, Psych, Soc./Social Services	Supply Chain, ITAM, IDS, Law & Justice, Psych, Soc./Social Services	Supply Chain, ITAM, IDS, Law & Justice, Soc./Social Services	Supply Chain, ITAM, IDS, Law & Justice, Soc./Social Services
# of courses taught on-site	108	97	73	80	49	0

**Table 3. CWU-JBLM
State/Tuition Fund**

	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	-	-	-	-	-	-
Headcount	-	-	4	10	12	8
Financial Review						
Allocated Revenues				83,695	63,498	80,131
Indirect Revenues	15,706	16,192	16,693	17,209	17,741	18,290
Est. Tuition Net Revenue via SCH (Blended Rate)	-	-	5,300	8,238	4,279	1,765
Web Tuition Net Revenue via SCH (Blended Rate)	-	-	-	-	-	-
Net Resources	15,706	16,192	21,993	109,142	85,518	100,186
Admin Staff	-	-	-	74,144	50,748	74,221
Admin Goods and Services	-	-	-	9,551	12,750	5,911
Lease Payments	N/A					
Indirect Staff	15,706	16,192	16,693	17,209	17,741	18,290
Est. Faculty Cost via Course Credit	-	-	29,632	4,605	29,747	7,446
Web Faculty Instruction via Course Credit	-	-	-	-	-	-

Net Expenses	15,706	16,192	46,325	105,509	110,986	105,868
Total: Estimated Profit / (Loss)	-	-	(24,332)	3,633	(25,468)	(5,682)

STAFF / FACULTY FTE	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Staff on-site						
In-direct staff on-site				1	1	1
Faculty on-site						
PROGRAMS						
# of Programs (in-person)				1	1	1
Programs List				Supply Chain Management CE Lean Six Sigma	Supply Chain Management CE Lean Six Sigma	Supply Chain
# of courses taught on-site				2	2	1

**Table 4. CWU-Des Moines
State/Tuition Fund**

	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	563	504	465	412	389	370
Center Headcount	486	455	442	403	369	355
Financial Review						
Allocated Revenues	245,823	254,544	196,667	259,116	254,244	234,662
Indirect Revenues	131,934	136,015	140,221	144,558	149,029	153,638
Est. Tuition Net Revenue via SCH (Blended Rate)	1,653,666	1,340,803	1,340,447	1,132,435	1,034,931	480,086
Web Tuition Net Revenue via SCH (Blended Rate)	1,471,204	1,293,428	1,305,467	1,218,341	1,045,322	1,600,128
Net Resources	3,502,628	3,024,790	2,982,802	2,754,450	2,483,525	2,468,514
Admin Staff	236,772	232,437	180,108	232,910	231,770	222,629
Admin Goods and Services	9,051	22,107	16,559	26,206	22,474	12,033
Bond/Lease Payments	*CWU and Community College Partners received state funding for construction; the state funds the college for operational costs.					
Indirect Staff	131,934	136,015	140,221	144,558	149,029	153,638
Est. Faculty Cost via Course Credit	2,201,140	1,888,829	1,762,536	1,479,871	1,616,501	821,842
Web Faculty Instruction via Course Credit	916,711	719,367	731,975	782,913	707,674	1,324,229

Net Expenses	3,495,608	2,998,754	2,831,399	2,666,458	2,727,447	2,534,371
Total: Estimated Profit/(Loss)	7,020	26,036	151,403	87,992	(243,922)	(65,858)

CWU-DES MOINES STAFF / FACULTY FTE						
Staff on-site	3.75	3.75	3.75	3.75	3	3
In-direct staff on-site	12	11	11	11	10	10
Faculty on-site	25	25	24	22	22	18
PROGRAMS						
# of Programs (in-person)	8	8	7	7	9	10
Programs List	Accounting, Business, Electronic Engineering Technology, Education, IDS, ITAM, Law and Justice	Accounting, Business, Electronic Engineering Technology, Education, IDS, ITAM, Law and Justice	Accounting, Business, Education, IDS, ITAM, Law and Justice	Accounting, Business, Education, Hospitality Tourism Event Mgmt, IDS, ITAM, Law and Justice	Accounting, Business, Education, Hospitality Tourism Event Management, IDS, ITAM, Law and Justice, Liberal Studies, STEM	Accounting, Business, Education, Computer Science, Hospitality Tourism Event Mgmt, IDS, ITAM, Law and Justice, Liberal Studies, STEM
# of courses taught on-site	280	265	228	221	235	32

**Table 5. CWU-Lynnwood
State/Tuition Fund**

	2015- 2016 AY	2016- 2017 AY	2017- 2018 AY	2018- 2019 AY	2019- 2020 AY	2020- 2021 AY
Enrollment Analytics						
Overall Transfer to CWU	441	443	469	429	421	405
Headcount	395	393	410	393	346	322
Financial Review						
Allocated Revenues	546,626	549,675	549,445	575,395	585,520	543,102
Indirect Revenues	146,998	151,544	156,231	161,063	166,045	171,180
Est. Tuition Net Revenue via SCH (Blended Rate)	952,310	718,253	742,717	740,678	687,631	222,691
Web Tuition Net Revenue via SCH (Blended Rate)	1,213,830	1,138,895	1,320,896	1,254,940	1,076,250	1,305,795
Net Resources	2,859,764	2,558,367	2,769,289	2,732,076	2,515,445	2,242,768
Admin Staff	182,839	170,204	165,118	181,006	196,009	166,045
Admin Goods and Services	3,787	19,471	24,327	34,388	29,511	17,057
Bond/Lease Payments	360,000	360,000	360,000	360,000	360,000	360,000
Indirect Staff	146,998	151,544	156,231	161,063	166,045	171,180
Est. Faculty Cost via Course Credit	1,674,947	1,106,884	1,212,884	1,176,578	1,039,471	546,526
Web Faculty Instruction via Course Credit	730,156	629,692	753,640	760,769	713,715	995,932
Net Expenses	3,098,727	2,437,795	2,672,201	2,673,804	2,504,749	2,256,740
Total: Estimated Profit/(Loss)	(238,963)	120,572	97,088	58,271	10,696	(13,972)

CWU-LYNNWOOD STAFF / FACULTY FTE						
Staff on-site	3	3	3	3	3	2.5
In-direct staff on-site	4.75	4.75	4.75	4.75	4.75	3.75
Faculty on-site	30	37	35	35	33	33
PROGRAMS						
# of Programs (in-person)	5	7	5	5	5	5

Programs List	Accounting, Business, IDS, Law & Justice MS Prof. Accountancy	Accounting, Business, Marketing, IDS, ITAM, Law & Justice Supply Chain	Accounting, Business, ITAM, IDS, Law & Justice	Accounting, Business, ITAM, IDS, Law & Justice	Accounting, Business, ITAM, Law & Justice, Supply Chain	Accounting, Business, ITAM, Law & Justice, Supply Chain
# of courses taught on-site	129	110	101	114	113	12

Table 6. CWU-Yakima

	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	567	547	562	592	608	572
Headcount	61	55	76	65	58	61
Financial Review						
Allocated Revenues	121,617	130,293	141,273	81,949	84,749	146,224
Indirect Revenues	15,706	16,192	16,693	17,209	17,741	18,290
Est. Tuition Net Revenue via SCH (Blended Rate)	228,747	265,631	278,784	261,367	267,351	169,048
Web Tuition Net Revenue via SCH (Blended Rate)	281,987	271,001	277,488	227,240	166,498	244,807
Net Resources	648,057	683,116	714,237	587,766	536,340	578,369
Admin Staff	115,150	118,970	135,511	56,041	150,773	139,527
Admin Goods and Services	6,466	11,322	5,761	25,908	(66,024)	6,697
Bond/Lease Payments	*CWU and Community College Partners received state funding for construction; the state funds the college for operational costs.					
Indirect Staff	15,706	16,192	16,693	17,209	17,741	18,290
Est. Faculty Cost via Course Credit	259,307	379,708	313,169	364,601	305,358	180,152
Web Faculty Instruction via Course Credit	154,157	133,675	141,904	123,871	111,824	183,523
Net Expenses	550,787	659,868	613,038	587,630	519,673	528,188
Total: Estimated Profit / (Loss)	97,270	23,248	101,199	136	16,667	50,180

STAFF / FACULTY FTE	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
	AY	AY	AY	AY	AY	AY
Staff on-site	1.6	1.6	1.6	1.6	1.6	1.75
In-direct staff on-site	0	1	1	1	1	0
Faculty on-site	3	2	2	2	2	1
PROGRAMS						
# of Programs (in-person)	2	2	2	2	2	2
Programs List	Elem. Ed, IDS	Elem Ed, IDS				
# of courses taught on-site	53	53	60	46	48	0

Table 7. CWU-Moses Lake

State/Tuition Fund

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
	AY	AY	AY	AY	AY	AY
Enrollment Analytics						
Overall Transfer to CWU	213	226	214	205	182	178
Headcount	47	53	58	40	25	29
Financial Review						
Allocated Revenues	3,296	3,540	11,762	63,760	87,703	77,654
Indirect Revenues	15,706	16,192	16,693	17,209	17,741	18,290
Est. Tuition Net Revenue via SCH (Blended Rate)	52,037	34,964	34,274	34,716	26,527	15,175
Web Tuition Net Revenue via SCH (Blended Rate)	197,578	232,815	224,723	170,636	107,087	105,758
Net Resources	268,617	287,511	287,452	286,321	239,059	216,877
Center Admin Staff	(0)		8,304	58,458	81,439	75,999
Center Admin Goods and Services	3,296	3,540	3,458	5,302	6,264	1,655
Lease Payments	*CWU and Community College Partners received state funding for construction; the state funds the college for operational costs.					
Indirect Staff	15,706	16,192	16,693	17,209	17,741	18,290
Est. Faculty Cost via Course Credit	72,296	97,961	54,331	41,900	46,800	16,955
Web Faculty Instruction via Course Credit	125,125	132,119	133,686	91,664	57,267	72,608
Net Expenses	216,423	249,812	216,472	214,533	209,512	185,508
Total: Estimated Profit/(Loss)	52,194	37,699	70,980	71,788	29,547	31,370

STAFF / FACULTY FTE	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
	AY	AY	AY	AY	AY	AY
Staff on-site	1.25	1.25	1.25	1.25	1.25	1.25
In-direct staff on-site	0	0	0.25	0.25	0.25	0.25
Faculty on-site	0	0	0	0	0	0
PROGRAMS						
# of Programs (in-person)	3	2	1	1	1	2
Programs List	IDS, Aviation, Education	IDS, Aviation	IDS	IDS	IDS	IDS, Elementary Education
# of courses taught on-site	25	19	14	15	6 (14 Virtual)	0 (57 Virtual)

**Table 8. CWU-Wenatchee
State/Tuition Fund**

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
	AY	AY	AY	AY	AY	AY
Enrollment Analytics						
Overall Transfer to CWU	322	296	296	321	323	300
Headcount	47	40	36	33	48	54
Financial Review						
Allocated Revenues	8,682	4,095	7,922	87,482	74,489	50,894
Indirect Revenues	15,706	16,192	16,693	17,209	17,741	18,290
Est. Tuition Net Revenue via SCH (Blended Rate)	139,522	50,358	105,648	133,096	131,047	103,993
Web Tuition Net Revenue via SCH (Blended Rate)	229,014	160,023	138,862	105,206	141,927	208,574
Net Resources	392,925	230,667	269,125	342,993	365,205	381,752
Admin Staff	4,901			75,005	87,183	81,071
Admin Goods and Services	3,781	4,095	7,922	12,477	(12,694)	(30,176)
Lease Payments	*CWU and Community College Partners received state funding for construction; state funds the college for operational costs.					
Indirect Staff	15,706	16,192	16,693	17,209	17,741	18,290
Est. Faculty Cost via Course Credit	153,066	56,776	101,075	163,558	159,739	98,768
Web Faculty Instruction via Course Credit	107,932	74,831	64,432	48,117	99,954	130,760
Net Expenses	285,386	151,894	190,122	316,367	351,923	298,712
Total: Estimated Profit/(Loss)	107,539	78,774	79,003	26,626	13,281	83,040

CWU-WENATCHEE STAFF / FACULTY FTE						
Staff on-site	1.25	1.25	1.25	1.25	1.25	1.25
In-direct staff on-site	0	0	0.25	0.25	0.25	0.25
Faculty on-site	0	0	1	1	1	1
PROGRAMS						
# of Programs (in-person)	2	1	2	2	2	2
Programs List	IDS, Elementary Education	IDS	IDS, Elementary Education	IDS, Elementary Education	IDS, Elementary Education	IDS, Elementary Education
# of courses taught on-site	28	10	28	34	9	0

**Table 9. CWU-Sammamish
State/Tuition Fund**

	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	-	-	-	-	-	-
Headcount	-	-	28	118	150	182
Financial Review						
Allocated Revenues	-	-	-	-	-	-
Indirect Revenues	15,706	16,192	16,693	17,209	17,741	18,290
Est. Tuition Net Revenue via SCH (Blended Rate)	-	-	100,819	386,226	608,905	257,042
Web Tuition Net Revenue via SCH (Blended Rate)	-	-	-	-	-	-
Net Resources	15,706	16,192	117,512	403,435	626,646	275,332
Admin Staff	-	-	-	-	-	-
Admin Goods and Services	-	-	-	-	-	-
Lease Payments (Fund 148)	<i>CWU leases facilities from the City of Sammamish.</i>					
Indirect Staff	15,706	16,192	16,693	17,209	17,741	18,290
Est. Faculty Cost via Course Credit	-	-	211,569	462,456	489,522	119,664
Web Faculty Instruction via Course Credit	-	-	-	-	-	-
Net Expenses	15,706	16,192	228,262	479,665	507,263	137,954
Total: Estimated Profit/(Loss)	-	-	(110,750)	(76,230)	119,383	137,377

Table 10. CWU-Sammamish Self-Support Operations

Including Running Start and Administrative Costs

	FY18	FY19	FY20	FY21	FY22
Net Resources	263,666	668,752	881,561	1,006,591	926,527
Sublease Rental Income	108,309	121,064	158,459	87,358	98,819
Running Start	155,138	545,068	716,530	919,439	827,708
Other	219	2,620	6,573	(207)	-
Net Wages and Benefits	446,973	751,834	757,784	562,744	638,719
CWU-Salary and Wage (Faculty)	233,425	383,483	342,648	280,715	311,284
CWU-Salary and Wage (Staff)	118,130	194,021	225,616	130,967	170,346
CWU-Student/Temporary/Overtime	2,123	1,446	78	-	-
CWU-Benefits	93,295	172,884	189,441	151,063	157,090
Goods and Services	169,627	195,561	180,744	233,226	401,377
Net Profit / (Loss)	(352,934)	(278,643)	(56,966)	210,620	(113,569)
Current Sammamish Sublease/Rent Agreements (Net of Leasehold Tax)					
YMCA: \$7,267/month					
Microsoft: \$968/Month					

Table 11. Projected Sammamish Lease-Rate Escalation

Fiscal Year	Minimum Lease Payments	Change from Previous Year
FY20	\$75,000	
FY21	140,000	\$65,000
FY22	200,000	\$60,000
FY23	260,000	\$ 60,000
FY24	320,000	\$60,000
FY25	380,000	\$60,000
FY26	440,000	\$ 60,000
FY27	500,000	\$60,000
FY28	560,000	\$60,000
FY29	620,000	\$60,000
FY30	680,000	\$60,000
FY31	740,000	\$60,000
FY32	800,000	\$60,000
<i>*Lease increases could increase to \$120K/year if net profits exceed \$500K</i>		

Overall Enrollment and Financials

The chart below shows overall enrollment and financial totals for all University Centers and instructional sites for the last six years.

Table 12. University Centers- Overall Budget State/Tuition Fund						
	2015-2016 AY	2016-2017 AY	2017-2018 AY	2018-2019 AY	2019-2020 AY	2020-2021 AY
Enrollment Analytics						
Overall Transfer to CWU	2,563	2,514	2,523	2,494	2,436	2,310
Headcount	1,215	1,193	1,246	1,297	1,198	1,199
Financial Review						
Allocated Revenues	1,033,060	1,119,650	1,083,233	1,323,233	1,330,679	1,308,613
Indirect Revenues	432,311	445,681	459,465	473,675	488,325	503,428
Est. Tuition Net Revenue via SCH (Blended Rate)	3,687,240	2,957,618	3,213,729	3,223,256	3,240,729	1,586,953
Web Tuition Net Revenue via SCH (Blended Rate)	4,189,680	3,933,507	3,979,295	3,753,169	3,115,917	4,232,423
Net Resources	9,342,291	8,456,456	8,735,722	8,773,333	8,175,650	7,631,416
Admin Staff	639,822	633,483	642,956	829,442	964,773	929,891
Admin Goods and Services	33,239	126,167	80,277	133,790	5,906	18,723
Lease Payments	360,000	360,000	360,000	360,000	360,000	360,000
Indirect Staff	432,311	445,681	459,465	473,675	488,325	503,428
Est. Faculty Cost via Course Credit	5,122,978	4,096,106	4,264,718	4,327,513	4,197,213	2,052,716
Web Faculty Instruction via Course Credit	2,443,604	2,117,431	2,179,590	2,235,687	2,050,890	3,265,981
Net Expenses	9,031,952	7,778,868	7,987,006	8,360,108	8,067,107	7,130,738
Total: Estimated Profit/(Loss)	310,339	677,588	748,716	413,225	108,543	500,677

The information provided above is a conservative estimate regarding the net profit for the listed University Center locations. The following assumptions are made in gathering, calculating and presenting the financial information, some of which may not accurately reflect the distinct and true accounting for the University Centers due to limitations the way in which CWU collects information.

- **Student Credit Hour (SCH):** Enrollment information is not as of the official census at the tenth day of the quarter. Rather it is point-in-time data as of roughly 10/01/2021 and is collected from a Campus Solutions query that is used by colleges to track class “fill” rates. SCH amounts are calculated by multiplying the course credits by the enrollment. Campus location information is

based on how the course was designated in Campus Solutions regarding where the course was offered.

- **Web Campus Designations:** For courses that are offered face-to-face, or collapsed and moved online, the web campus location was broken out by the student campus designation from supplemental information provided by CWU Dept. of Institutional Effectiveness (IE). This supplemental information was then tied back to the Campus Solutions data set. Some manual identification of student campus designation was needed, which was obtained from course roster information from Campus Solutions.
- **Net Tuition** is calculated by dividing net tuition by SCH taught across the university, creating an average revenue per SCH value. This is then applied to the SCH taught by campus location and broken out by student campus location for Web courses to determine University Center costs. Information on net tuition was not available through Institutional Effectiveness, necessitating this averaging method.

This is imperfect data for two reasons. First, per state law, students do not pay additional tuition for credits between 10-18. Because of this, determining which credits would be taught at no additional cost to the student would be difficult, at best. Second, this method averages tuition waivers from all sources to every student evenly. Because of this approach, the revenues received by campus location are not specific to the student's individual tuition payments.

- **Instructional/Faculty Costs:** Total instructional costs were identified through payroll payment data by fiscal year, including tenured, tenure-track, full-time, non-tenure track, and quarterly adjunct faculty. This was then divided by credits taught across the university to determine an average faculty cost per credit, per year. This average cost was then applied to the credits taught by campus and subdivided out in the case of web campus courses.

This is imperfect data, as faculty costs are calculated based on workload units. Faculty workload units, 15 per quarter for full-time faculty, however, do not correlate with the unit-value assigned to each course; 20 percent of what faculty earn is for service and research. Additionally, if a non-faculty member taught a course and was not paid in a faculty grouping code in the payroll system, the cost of that course would appear as \$0.

The financial analysis provided is an estimated summary of the direct impacts of the University Centers. Other considerations may be needed to determine the impacts of changes to University Center operations, including but not limited to:

- **Student Fees:** University Center students support non-course, fee revenue streams, which are not accounted for in the financial review. These fees, paid by students at the residential campus, support Services & Activities, Health Center, student state lobbying, Tutoring Center, Technology, Library, and Multimodal.

- **Grants:** University Centers receive additional support through earmarked revenue streams. These include but are not limited to a legislative appropriation for Computer Science at Des Moines (\$1.5M), Lynnwood and program specific grants, and a federal Title V grant in partnership with Yakima Valley College.
- **Indirect Support:** Additional staff positions support University Centers either in part or in full, from various funding sources. Depending on the nature of the position there could be additional reductions in staff from support units, keeping in mind that some of the support unit funds may not be available for general operating expenses in the State (149) and Local General (148 tree) Funds.

Challenges, Opportunities, and Recommendations

Challenges:

There are several challenges to operations, program offerings, class schedules, and systematic approaches:

- There are seven reporting structures for University Centers/sites. **Inconsistent communication and coordination** among these departments reduces the clarity and efficiency of communications and operations for students and staff (i.e. admissions, orientations, class scheduling, advising, operational consistency, programing, hybrid/on-site service delivery, student communication). Communication and operations could be improved by greater shared governance for decision-making, implementation, assessment, and general operational processes.
- **The lack of a predictable funding model** for University Centers/site impedes CWU's ability to be responsive to university and workforce requests for programs.
- **Lack of consistent and predictable program scheduling** for adult learners creates frustration and becomes a branding, recruitment, and retention issue.
- CWU does not provide students at University Centers/sites many of **the student-life services** that are provided to students at the residential campus.
- CWU has not met student requests for **more advising, financial aid**, and major-specific career services and workforce connections.
- **Lack of continuity** of academic advising, program delivery, and college commitment to program delivery erodes overall enrollment and makes CWU vulnerable to regional educational competitors (BAS programs at community colleges, UW Seattle/Bothell).
- **Lack of visibility** at physical University Center facilities, which is limited somewhat by the host college preferences, but more so by a lack of budget for this purpose.

Opportunities & Recommendations

1. **Increase visibility.** In addition to maintaining physical space on campus, CWU has a greater opportunity to increase visibility, proximity, and recruitment of host college students:

Host College	Host College Total Enrollment (FY2020 headcount)	Students transferring to CWU (FY2020 headcount)
Big Bend/Moses Lake	2,341	182
Wenatchee Valley/ Wenatchee	2,968	323
Yakima Valley/Yakima	4,485	608
Highline/Des Moines	7,606	389
Edmonds/Lynnwood	8,132	421
Pierce College/Pierce	8,405	513

2. **Increase enrollment.** The following opportunities could be a strength for our future:
 - Offer associate degrees at CWU-Sammamish
 - Provide undergraduate and graduate programs for adult learners
 - Provide certificate and stackable degree options
 - Offer the power and capacity of more high-impact practices
3. **Enhance marketing of University Centers and sites.**
 - Conduct research to identify target audiences and their preferred education mode and offerings
 - Boost dedicated funding for marketing for satellite locations.

Recommendations:

1. Create a clear, data-informed process for implementing new programs at University Centers and Sites.
2. Empower a collaborative (college/University Center) biennial review of marketing/recruitment, advising, course scheduling, retention, and completion for each program.
3. Eliminate low-enrollment programs and include only workforce-based programs (i.e. Accounting, Business, Education, ITAM, IDS, Liberal Studies, Law & Justice, Computer Science).
4. Require consistent, predictable, flexible adult-based academic program schedules (part-time, full-time options).

5. Empower local program decision-making and funding in order to support student and industry program demand.
6. Strategically collaborate across Academic Colleges, Student Success, Public Affairs, Extended and Global Education and Enrollment Management to strengthen enrollment efforts with a particular focus on the unique characteristics of the centers/sites.
7. Establish a permanent and consistent faculty presence at all locations. Acknowledge faculty workload units to reflect the unique needs of the University Centers/sites (outreach, recruitment, advising, community collaboration).
8. Provide a predictable two-year schedule for each academic program.
9. Develop opportunities to promote the University Centers with business and industry for partnerships, mentorship, internships, co-op and co-curricular experiences.
10. Assist in fundraising efforts coordinated with the University Advancement development office and identify sources of external funds that emphasize scholarships at each University Center.
11. Create regional location hubs for online student recruitment and one-stop-shop service delivery.

CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 17, 2022

EXECUTIVE SUMMARY – University Advancement Update

A key element of ensuring a successful, sustainable future for Central Washington University is a thriving alumni network and a strong culture of external engagement and philanthropic support. The university is fortunate to have the support of many generous donors whose gifts have made a big impact in the lives of many students and CWU community members. Our challenge is to significantly scale up our program to achieve an exponential level of impact over the long term.

Working closely with volunteer leaders of the CWU Foundation and the CWU Alumni Association, and with the newly engaged campaign counsel, University Advancement has begun the process of re-imagining this future. A key component to this effort will be a comprehensive campaign, but our work goes beyond this, to ensure that the potential success of the campaign is translated into a sustainable advancement program.

We face some industry-wide and unique challenges in this process, but work is underway to build on campaign planning work already accomplished, and also to create a new culture of collaboration and excellence. This involves a significant re-organization of Advancement teams, new partnerships across the university, new volunteer leaders, and a significant hiring effort to re-build, and potentially grow, staff in the next 12-18 months. It will take some time for the impact of these new teams to be seen.

While this work to build our team is underway, we are continuing to work with donors to connect them with their philanthropic passions and raise funds to support CWU students and programs. Current fundraising totals exceed five-year averages. We are also holding events to introduce President Wohlpart to our alumni and donors and taking the first steps in the creation of an organized regional alumni network.

Submitted:



Paul Elstone
Vice President for University Advancement

Approved for Submittal to the Board



Jim Wohlpart
President

University Advancement Update

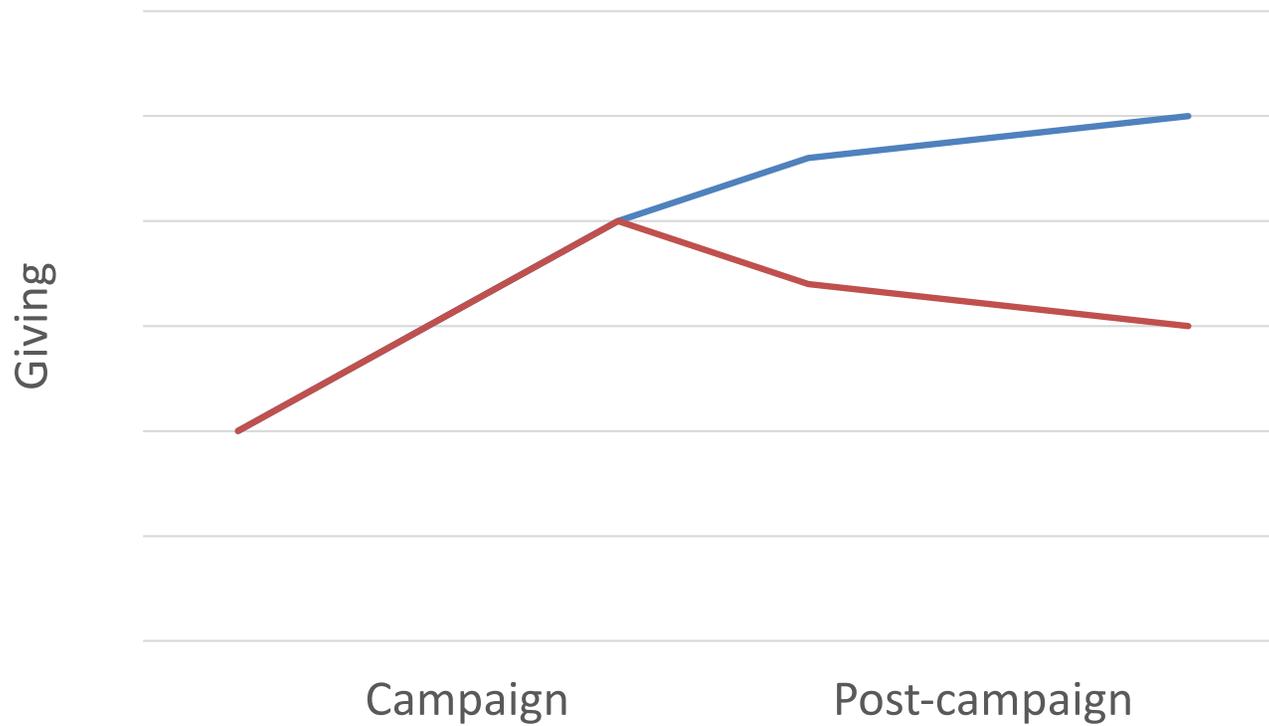
Board of Trustees

February 17, 2022

Where are we going?

- Transform ourselves so that we can help transform CWU
- A vibrant alumni network
- A community of donors and campus partners, based on meaningful relationships, making an impact for our students, faculty and broader community

Comprehensive Campaign



Why CWU?

Why now?

- Campbell and Company
 - Case for support
 - Advancement infrastructure
 - Executive search
 - University brand
- Foundation / Alumni Association / Advancement

Regional Alumni Network

- Goal: 7-10 regional hubs across WA over the next 2-3 years
- Regional leaders
 - Alumni programs
 - Connect to students and campus
 - Assist with enrollment
 - Welcome new alumni
- Two pilot hubs – Seattle/Tacoma and Yakima



November
Seattle and
Bellevue



February 24
& 25
Phoenix and
Palm Springs



March 17 &
18
Southern
California



March 24
Yakima

Every gift is impactful

- Engagement, philanthropic interests and the donor experience
- The donor investor
- Deferred gifts
- FY22 fundraising totals – Q1 and Q2

Building the team

Phase One

- 4 Engagement positions – network and pipeline
- AVP – Complete leadership team
- Prospect research and management
- Annual and early donors
- 5 MGOs/DODs – key campaign programs
- Bequests
- Database management

Next year – phase two

THANK YOU



BOARD OF TRUSTEES

CWU TRUSTEES QUARTERLY BOARD MEETING

February 18, 2021

Friday, February 18

8:30

BOARD RETREAT

Yakima Room/Hotel Windrow

502 N Main Street

Ellensburg, WA

BUSINESS MEETING

ACTION AGENDA



CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 18, 2022

EXECUTIVE SUMMARY – Branding Work with Campbell and Company

Central Washington University has engaged Campbell and Company to assist with elevating a clear brand for the university and to provide counsel for our comprehensive campaign. Their work on branding and campaign will dovetail with the work of developing a vision and mission, which is a unique opportunity to create clear alignment across our work. We work most closely with three representatives from Campbell, including two individuals who specialize in communication—Anna Goren (Associate Director, Communications) and Andy Brommel (Director, Communications)—and one who is helping with the campaign—Cassie Carter (Vice President). See full biographies in the packet.

As part of the thoughtful planning process for a campaign and a university-wide branding process, Campbell has begun to work with various internal and external CWU constituents to build on the mission and vision work currently underway. As part of their discovery process, the Campbell team will lead the Board of Trustees through a brand development workshop where you can help articulate what is at the heart and soul of Central Washington University and begin to express our unique identity. The Campbell team will orient us to this work and lead us through a generative discussion about Central’s role in the community, where we are headed, and how a clear brand can make a difference.

Approved for Submittal to the Board

Jim Wohlpart
President

HOW WE WORK TOGETHER



Andy Brommel
Director of
Communications
Strategic Oversight
Writer



Cassie Carter
Vice President
Strategic Oversight



Aaron Conitz
Associate Consultant
Project Management



Erin Culbertson
Senior Consultant
Strategy and Counsel



Kate Effland
Consultant
Strategy and Counsel



Michael Furlong
Senior Consultant
Strategic Information
Services



Anna Goren
Associate Director
Communications Oversight



Katelyn Martin
Senior Consultant
Strategic Information
Services

Campbell & Company takes a team approach, matching individual firm members' expertise to our client's unique needs.

Your project team brings deep experience in higher education advancement and fundraising, communications counsel, fundraising strategy, data management, and operational capacity-building.

We will move our work forward together by:

- Utilizing this project guide, weekly timeline, and supplemental materials provided by Campbell & Company
- Regular bi-weekly check-in calls and monthly senior leadership meetings to stay coordinated on project logistics and strategize together
- Connecting by e-mail and phone as needed

APPENDIX: PROFESSIONAL BIOGRAPHIES

CASSIE CARTER, PH.D.

VICE PRESIDENT

CASSIE.CARTER@CAMPBELLCOMPANY.COM

As a Vice President, Cassie Carter brings 30 years of passion and experience in the nonprofit and higher education sectors to her work at Campbell & Company. Cassie focuses on developing a shared understanding with clients of the opportunities and strengths of their organizations and how those can be leveraged to achieve a high level of long-term fundraising success.



Prior to joining Campbell & Company, Cassie held significant leadership positions in several prominent academic institutions and nonprofits throughout the country as they grew their fundraising programs; she was Associate Vice President for Development and Director of Campaigns at Hawaii Pacific University, Associate Vice President for Development Operations and Director of Advancement for the College of Science and Mathematics at Cal Poly, and Executive Director of the Montana Outdoor Science School. She also taught life science at Santa Monica College for many years.

Cassie has long been dedicated to the nonprofit sector. She served as the Director of Programs for Heal the Bay in Santa Monica and volunteers as a board member of several nonprofit organizations throughout Hawaii, Montana and California. Currently she is on the board of directors for the Pierce College Foundation, Community Foundation of the Valleys and is a faculty member of the Center for Nonprofit Leadership at Cal Lutheran.

Cassie holds a doctoral degree in Teaching and Learning with an emphasis on science education and public administration from the University of Southern California, a bachelor's degree in biology from California State University-Northridge, and an associate of arts from Los Angeles Pierce College.

RECENT CLIENTS SERVED

Many Mansions (Ventura, CA)
Chadwick School (Palos Verdes Peninsula, CA)
Descanso Gardens (La Canada-Flintridge, CA)
Hazelden Betty Ford Foundation (Rancho Mirage, CA)
Mayfield Senior School (Pasadena, CA)
Migratory Bird Conservation Partnership (Sacramento, CA)
Natural History Museum of Los Angeles County (Los Angeles, CA)
The Nature Conservancy (Orlando, FL)
Northeast Community College (Norfolk, NE)
Seattle Aquarium (Seattle, WA)
University of San Diego (San Diego, CA)
University of Washington (Seattle, Washington)

ANDY BROMMEL
DIRECTOR OF COMMUNICATIONS CONSULTING
ANDY.BROMMEL@CAMPBELLCOMPANY.COM

Andy Brommel leads Campbell & Company's communications consulting and creative services, manages our Communications team, and serves on the firm's management team. He also leads our thought leadership program in communications, including the popular annual Fundraising Communications webinar series, and presents regularly at regional and national conferences.



As a consultant, Andy works with our Communications team to serve clients across the nonprofit sector. Since joining the firm in 2007, he has helped over a hundred organizations define their cases for philanthropic support and develop powerful messaging for their donor audiences, engage their executive and board leaders, and produce compelling materials and strategies to support their fundraising aspirations.

In all projects, Andy brings a passion for expressing the transformational ideas at the heart of nonprofit missions and empowering people and organizations to communicate with confidence.

Andy graduated with highest honors from Northwestern University with a degree in English and Performance Studies. Outside of his professional activities, he is an active musician, songwriter and producer with a background in theatrical sound design.

RECENT CLIENTS SERVED

Alverno College (Milwaukee, WI)
Alzheimer's Association (Chicago, IL)
The Blake School (Hopkins, MN)
Cascade Public Media (Seattle, WA)
Chicago History Museum (Chicago, IL)
Farm Sanctuary (Watkins Glen, NY)
Greater Milwaukee Foundation (Milwaukee, WI)
Guthrie Theater (Minneapolis, MN)
Lewis & Clark College (Portland, OR)
Meharry Medical College (Nashville, TN)
National Aquarium (Baltimore, MD)

The Nature Conservancy (Chicago, IL; New York, NY; San Francisco, CA)
University of Northern Iowa (Cedar Falls, IA)
Roger Williams University (Bristol, RI)
Santa Barbara Cottage Hospital Foundation (Santa Barbara, CA)
School of the Art Institute of Chicago (Chicago, IL)
SkillsUSA (Leesburg, VA)
Teton Science Schools (Jackson, WY)
University of San Francisco (San Francisco, CA)
Yellowstone Park Foundation (Bozeman, MT)

ANNA GOREN**ASSOCIATE DIRECTOR, COMMUNICATIONS**
ANNA.GOREN@CAMPBELLCOMPANY.COM

A process-oriented thinker with a nonprofit and writing background, Anna offers balanced and collaborative solutions to complex challenges. She works closely with our partners and fundraising consultants to articulate ideas, findings, and messages—helping organizations to better communicate their goals and serve their missions.



Anna's sharp analytic skills, love of words, and passion for social justice have supported her career at the intersection of social impact and writing. Prior to joining Campbell, she worked as a freelance writer covering politics and culture in the Northwest. Her writing has appeared in local publications such as Crosscut, Edible Seattle, The Seattle Globalist, and others, in addition to national publications such as The Forward and The Atlantic. As a research assistant at the McGill School of Social Work, Anna contributed to a body of work that informed education policy in Inuit communities of Nunavik, Quebec; in addition to research on asset-holding among low-income American families. Her social research has been published by The Journal of Comparative Social Work and The New America Foundation.

Anna has taught a creative writing class for women in the King County Correctional Facility in downtown Seattle, and she serves on the Board of The Seattle Globalist. She holds a Bachelor of Arts in International Development and Cultural Studies from McGill University and is working toward a certificate in Storytelling and Content Strategy at the University of Washington School of Professional and Continuing Education.

RECENT CLIENTS SERVED

Alaska Native Tribal Health Consortium (Anchorage, AK)
City of Spokane (Spokane, WA)
Cascade Public Media (Seattle, WA)
Encompass Northwest (North Bend, WA)
Fenn School (Concord, MA)
Jefferson Land Trust (Port Townsend, WA)
Kitsap Humane Society (Silverdale, WA)
MultiCare Health System (Tacoma, WA)
The Overlake School (Redmond, WA)

Planned Parenthood Columbia Willamette (Portland, OR)
Planned Parenthood of the Great Northwest and the Hawaiian Islands (Seattle, WA)
Pacific Northwest Ballet (Seattle, WA)
Seattle Aquarium (Seattle, WA)
Second Harvest of Silicon Valley (San Jose, CA)



CENTRAL WASHINGTON UNIVERSITY
 Board of Trustees
 February 18, 2022

INFORMATION - Board Leadership Succession and Transitions

The Constitution of the CWU Board of Trustees directs trustees annually to elect a chair and vice chair (*CWUP 1-60-070 Officers of the Board*). The policy defines the term of each officer as one year, with no limit to the number of terms a trustee may serve as chair or vice chair. In the past 15 years, trustees have served as chair for as few as two years and as many as seven. The constitution provides that if neither the chair nor vice chair is able to preside over a meeting, trustees shall elect a chair pro tempore to chair the board as long as may be required (*CWUP 1-60-080 Powers and Duties of Officers*).

The constitution does not articulate a process for the transition of board leadership beyond annual elections. Chairs are simply re-elected until they, themselves, choose not to serve again.

The CWU board is populated with talented, experienced and diverse alumni, each of whom is a strong leader. In order to leverage this leadership experience more fully, the trustees may wish to consider more precisely defining leadership terms, which would have the following benefits:

- permit more trustees to exercise their leadership skills
- promote diversity in leadership experience and perspective
- ensure a more seamless transition between leaders.

What do other universities do? Following please see example leadership transition practices of other institutions.

University	Chair/Vice Chair terms	Term Limits?	Other
EWU	“Board officers serve for either a single one-year or a single two-year term. “	Yes (2 years)	
Iowa State Board	Two-year terms	Yes	President and President Pro Tempore officially constitute “board leadership”
Ohio State	Up to three consecutive, one-year terms	Yes	Before the end of each term, a committee of trustees reviews chair performance, consults with other trustees and recommends to the board whether the chair should be reelected for an additional term.
Simon Fraser	One-year terms	Yes	The terms of office of the Chair and Deputy Chair shall not normally exceed two (2) years.

Office of the President

400 East University Way • Ellensburg WA 98926-7505 • Office: 509-963-2111 • Fax: 509-963-2301
 EEO/AA/TITLE IX INSTITUTION • FOR ACCOMMODATION E-MAIL: CDS@CWU.EDU

University	Chair/Vice Chair terms	Term Limits?	Other
University of AK	One-year terms	Yes	The chair may not serve more than three, one-year terms.
University of WA	One-year terms	No	
Utah State University	Two-year terms	Yes	During each odd-numbered year, the trustees elect a members to serve as chairman and another of its members as vice chairman. Each holds office for two years or until their successors are chosen and qualified.
WSU	One-year term	Yes	Vice chair serves one, one-year term, then automatically succeeds as chair for one year.
W Oregon U	Two-year terms	Yes	The vice chair automatically succeeds to chair when the position is vacant.
WWU	Two-year terms	No	

The following revisions to CWU board succession policy in the Constitution of the Board of Trustees are presented for board consideration.

CWUP 1-60-070 Officers of the Board

(1) Designation and Qualifications. The [trustee](#) officers of the board of trustees shall be chair, vice chair, ~~and chair emeritus/a, all of whom shall be members of the board. The offices of~~ secretary, and treasurer ~~may be filled by trustees, but normally the board will appoint non-trustee executive officers of the university to these positions. The chair and vice chair shall be members of the board of trustees. The secretary and treasurer may or may not be members of the board of trustees.~~

(2) Election of ~~Chair and Vice Chair~~[Trustee Officers](#). The board of trustees [annually](#) shall elect the chair, ~~and vice chair, and chair emeritus/a, each of whom may serve a single, one-year terme. The chair and vice chair shall be elected annually, and shall hold office for one year or until their successors are elected. Upon expiration of their terms, the vice chair will be elected chair and the chair will be elected chair emeritus/a.~~

[The chair, vice chair, and chair emeritus/a shall constitute the executive committee of the board.](#)

[When a trustee officer is unable to serve as an officer in a subsequent year, such as when the trustee's appointment is expiring, the board shall elect another trustee to serve as a trustee officer and member of the executive committee.](#)

CWUP 1-60-080 Powers and Duties of Officers

(1) Chair ~~and~~, Vice Chair and Chair Emeritus/a. The chair of the board of trustees shall preside at meetings of the board of trustees. In event of the chair's absence or inability to act, the vice chair shall preside. If neither the chair nor the vice chair is able to preside, the chair emeritus/a shall do so.

The chair of the board and the vice chair are severally authorized, on behalf of the board of trustees, to execute, and except where express authority has been elsewhere conferred by law, or by rule, order, or resolution of the board of trustees, all contracts, deeds, leases, notes, mortgages, deeds of trust, bonds, indentures, warrants, undertakings, powers of attorney, releases, and satisfactions of mortgages and indebtedness, re-conveyances under deeds of trust, and all other releases, when the same have been authorized to be executed by the board of trustees.

~~In case of the absence of the chair and vice chair from any meeting of the board of trustees, or in case of the inability of both of the two to act, the board of trustees shall elect for that meeting a chair PRO TEMPORE, and may authorize such chair PRO TEMPORE to perform the duties and acts authorized or required by said chair or vice chair to be performed, as long as the inability of these said officers to act may continue.~~

The revisions to CWUP 1-60-070 and 1-60-080 may be adopted with the following motion:

The Board of Trustees of Central Washington University hereby approves the proposed revisions to CWUP 1-60-070 and CWUP 1-60-080 as presented this day February 18, 2022.

Submitted:



Linda Schactler
Chief of Staff/Secretary to the Board

Approved for Submittal to the Board:



Jim Wohlpart
President



Central Washington University
Board of Trustees
February 18, 2022

ACTION – Approval of Consent Agenda

The attached consent action/report list are submitted by the divisions of Academic and Student Life, Business and Financial Affairs, Operations, and the President.

We recommend the following motion:

The Board of Trustees approves the consent action items submitted February 18, 2022.

Submitted:

Michelle DenBeste
Provost/Vice President for Academic
and Student Life

Joel Klucking, Vice President
Business and Financial Affairs

Linda Schactler
Chief of Staff

Andreas Bohman, Vice President
Operations

Approved for Submittal to the Board:

Jim Wohlpart
President

CONSENT ACTION/REPORT LIST
February 18, 2022

CONSENT PERSONNEL ACTIONS

Distinguished Service Recognition

<i>Name</i>	<i>Title</i>	<i>Department</i>	<i>Effective</i>	<i># Years</i>
Holmes, Diane	Cashier 2	Cashiers	December 15, 2021	13yrs.
Powell, Janet	Licensed Nurse Practitioner 1	Student Health Services	November 20, 2021	30 yrs.

Faculty Emeritus Status

<i>Name</i>	<i>Rank</i>	<i>Department</i>	<i>Effective</i>	<i># Years</i>
Bruya, Chris	Professor	Music	June 30, 2021	19 yrs., 9 mos.
Butterfield, Carol	Professor	Education, Development, Teaching, and Learning	December 31, 2021	27 yrs.

Faculty Sabbatical Leave Appointments

<i>Name</i>	<i>Rank</i>	<i>Department</i>	<i>Effective</i>
Bartlett, Gary	Professor	Philosophy & Religious Studies	AY 2022-2023
Beeson, Tishra	Associate Professor	Health Sciences	AY 2022-2023
Dechaine, Jennifer	Professor	Biological Sciences / Science & Mathematics Education	AY 2022-2023
Delgado, Elvin	Associate Professor	Geography	Spring 2023
Herman, Daniel	Professor	History	AY 2022-2023
Kaspari, Susan	Professor	Geological Sciences	AY 2022-2023
Lea, YiShan	Professor	Education, Development, Teaching, & Learning	AY 2022-2023
Liao, Kun	Professor	Finance & Supply Chain Management	AY 2022-2023
Loke, Sooie-Hoe	Assistant Professor	Mathematics	AY 2022-2023
Mayhew, Jessica	Associate Professor	Anthropology & Museum Studies	AY 2022-2023
Moore, Stephen	Professor	History	AY 2022-2023
Pereira, Liane	Associate Professor	Psychology	AY 2022-2023
Stringfellow, Julia	Professor	Library Archives & Special Collections	Spring and Summer 2023
Tester, Griff	Associate Professor	Sociology	AY 2022-2023

CONSENT PERSONNEL REPORTS

Faculty Sabbatical Leave Reports

<i>Name</i>	<i>Rank</i>	<i>Department</i>	<i>Quarter(s)</i>
Ahn, Chong Eun	Associate Professor	History	AY 2020-21
Avey, James	Professor	Management	Fall 2021
Binder, April	Associate Professor	Biological Sciences	AY 2020-21
Craig Ricketson, Erin	Associate Professor	Physics	AY 2020-21
Diaz, Anthony	Professor	Chemistry	AY 2020-21
Ferrell, Lacy	Associate Professor	History	AY 2020-21
Hickey, Robert	Professor	Geography	AY 2020-21
Lillquist, Karl	Professor	Geography	AY 2020-21
Melbourne, Timothy	Professor	Geological Sciences	AY 2020-21
Nethery, Vincent	Professor	Health Sciences	AY 2020-21
Norris, Lisa	Professor	English	Fall 2021
Pinkart, Holly	Professor	Biological Sciences	AY 2020-21
Samples, Mark	Associate Professor	Music	Fall 2021
Ward, P. Stefan	Associate Professor	Sports & Movement Studies	Winter & Spring 2021

Phased Retirements

<i>Name</i>	<i>Rank</i>	<i>Department</i>	<i>Effective</i>
Nethery, Vincent	Professor	Health Sciences	September 16, 2022



Central Washington University
Board of Trustees
February 18, 2022

ACTION – Approval of CWU’s WAC Revisions

CWU held a public hearing on Tuesday, November 23, 2021, 11:00 a.m., in Barge Hall, room 304 and via Zoom regarding proposed amendments to CWU WAC. The purpose of the hearing was to receive comments from the university community and general public on the proposed rule changes. The proposed changes have been reviewed through CWU’s normal internal review procedures.

The one comment offered during the public hearing was from a CWU alumnus who urged that the term “rape” be substituted for “nonconsensual sexual intercourse.” While his point is well-taken, CWU has not modified its proposed definitions. The term “rape” commonly applies in criminal contexts beyond the purview of the Student Code. The term “nonconsensual sexual intercourse” appropriately reflects a complex overlay of federal and state laws and regulations specifically applicable to higher education.

The proposed Student Code amendments formally implement the policy changes authorized by emergency resolution in 2020. The new rules would become effective in WAC 31 days following their adoption by the Board and publication in the Washington Register.

We recommend the following motion,

The Board of Trustees of Central Washington University adopts the proposed Student Conduct Code amendments under Chapter 106-125 WAC and related procedural amendments under WAC 106-08-050.

Submitted:

Michelle DenBeste
Provost/Vice President for Academic &
Student Life

Approved for Submittal to the Board:

Jim Wohlpart
President



February 18, 2022

TO: Board of Trustees

FROM: Kim Dawson 
CWU Rules Coordinator

SUBJECT: **STUDENT CONDUCT CODE AMENDMENTS—PUBLIC HEARING SUMMARY AND EXPLANATORY STATEMENT WSR 21-21-082**

CWU in August 2021 filed with the State Code Reviser under WSR 21-17-010 a “Preproposal Statement of Inquiry” notifying the public of CWU’s intent to adopt amendments to its Student Conduct Code, chapter 106-125 WAC, and related amendments to WAC-106-08-050 concerning brief adjudicative proceedings.

The notice of “Proposed Rule Making” was filed with the Code Reviser on October 18, 2021, under WSR 21-21-082. The rule-making notice included a copy of the proposed rules and scheduled a public hearing for 11:00 a.m., November 23, 2021. Presiding at the hearing was Kim Dawson, CWU Rules Coordinator, with Joseph Bryant, Executive Director, Student Rights & Responsibilities, and Alan Smith, AAG.

The purpose of the proposed amendments is to adopt as permanent the expiring Title IX rules adopted as emergency rules by the Board of Trustees on August 14, 2020. The proposed amendments include revisions of Student Code appeal procedures to comply with a Title IX requirement that the same Title IX appeal procedures be provided for students as are provided for faculty and staff.

The Student Code’s supplemental Title IX procedures include the addition of a “Revocation by Operation of Law” provision under WAC 106-125-201, which automatically renders inoperable any provision of the U.S. Department of Education’s Title IX Final Rule that is stayed or invalidated by a court of law. This provision would apply, for example, to the federal district court’s recent invalidation of the Title IX hearsay rule.

Title IX regulations have long required certain procedural protections and reciprocal appeal rights that apply equally to complainants and respondents in student conduct cases involving allegations of sexual misconduct or other forms of sexual harassment based on gender. The proposed CWU Student Code amendments would extend the same procedural protections and appeal rights to the parties in conduct cases involving allegations of discriminatory harassment based on other protected classifications such as race, national origin, race, or disability.

Office of the President

400 East University Way • Ellensburg WA 98926-7501 • Office: 509-963-2111 • Fax: 509-963-3206
Office location Barge Hall Room 314 • Web: www.cwu.edu/president
EEO/AA/TITLE IX INSTITUTION • FOR ACCOMMODATION E-MAIL: CDS@CWU.EDU

The proposed Student Code amendments also include recommended revisions to the definitions of sexual misconduct, including sexual harassment, sexual exploitation, and sexual violence (including nonconsensual sexual contact and nonconsensual sexual intercourse), as well as clearer definitions relating to consent, relationship violence (including domestic and intimate partner violence), and stalking.

Public comments were invited on the proposed rules. The one comment received was from a CWU alumnus who urged that the term “rape” be substituted for “nonconsensual sexual intercourse.” While his point is well-taken, CWU has not modified its proposed definitions. The term “rape” commonly applies in criminal contexts beyond the purview of the Student Code. The term “nonconsensual sexual intercourse” appropriately reflects a complex overlay of federal and state laws and regulations specifically applicable to higher education.

The proposed Student Code amendments are on the agenda for the regular meeting of the Board of Trustees scheduled for February 18, 2022. The new rules would become effective 31 days following their adoption by the Board and publication in the Washington Register.

Enclosures

cc: Gregory Heinselman, Dean of Student Success
Joseph Bryant, Executive Director, Student Rights & Responsibilities
Alan Smith, Assistant Attorney General



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 18, 2021

TIME: 3:35 PM

WSR 21-21-082

Agency: Central Washington University

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-17-010 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

Student Conduct Code, chapter 106-125 WAC

Brief Adjudicative Proceedings, WAC 106-08-050

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 23, 2021	11:00 a.m.	Central Washington University 400 East University Way Ellensburg, WA Barge Hall 304	<p>Attending remotely by Zoom: Join Zoom Meeting https://us02web.zoom.us/j/87398503155?pwd=b1FGeEhZVTJjeGNUT08rRFRVeThvZz09</p> <p>Meeting ID: 873 9850 3155 Passcode: 498464 One tap mobile +12532158782,,87398503155#,,,,*498464# US (Tacoma) +16699006833,,87398503155#,,,,*498464# US (San Jose)</p> <p>Dial by your location +1 253 215 8782 US (Tacoma) Meeting ID: 873 9850 3155 Passcode: 498464</p>

Date of intended adoption: February 18, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Kimberly J. Dawson, Rules Coordinator, Office of the President

Address: 400 East University Way, Barge 314, Ellensburg, WA 98926-7501

Email: kimberly.dawson@cwu.edu

Fax: 509-963-3206

Other:

By (date) November 23, 2021

Assistance for persons with disabilities:

Contact Kimberly J. Dawson

Phone: 509-963-2111

Fax: 509-963-3206

TTY:

Email: kimberly.dawson@cwu.edu

Other:

By (date) November 19, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Updating and clarifying rules relating to student conduct and hearing procedures.

Reasons supporting proposal:

Statutory authority for adoption: RCW 28B.35.120

Statute being implemented:

Is rule necessary because of a:

Federal Law?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Central Washington University

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Joseph Bryant	Bouillon Hall 204	509-963-1515
Implementation:	Joseph Bryant	Bouillon Hall 204	509-963-1515
Enforcement:	Joseph Bryant	Bouillon Hall 204	509-963-1515

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: The proposed rules are not "significant legislative rules" as defined under RCW 34.05.328(5).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: Oct 18, 2021
Name: Kimberly J. Dawson
Title: Rules Coordinator

Signature: 
--

WAC 106-125-010 Definitions. The following definitions shall apply for purposes of this student conduct code:

(1) **Advisor of choice.** The "advisor of choice" is the person selected by a complainant or respondent to provide informal advice and support at any stage of a disciplinary proceeding under this student code. Except as otherwise provided in these rules, the role of the advisor of choice does not include representation of a party.

(2) **Complainant.** A "complainant" for purposes of this student code means any person who is the alleged victim or target of prohibited student conduct, whether or not such person has made an actual complaint.

~~((2))~~ (3) **Conduct officer.** The "conduct officer" or "student conduct officer" is the university official designated by the university to be responsible for initiating disciplinary action for alleged violations of this code.

~~((3))~~ (4) **Conduct review officer.** The "conduct review officer" is the university official designated by the university to hear appeals of disciplinary action conducted as brief adjudicative proceedings and to enter final decisions in proceedings heard by the student conduct council.

~~((4))~~ (5) **Consent.** The term "consent" for purposes of this code means knowing, voluntary, and clear permission and agreement, by actual words or conduct, to engage (or to continue engaging) in sexual activity. A person may be incapable of giving consent, or of diminished capacity to consent, by reason of age, threat or intimidation, lack of opportunity to consent, physical or mental impairment, drug or alcohol consumption, unconsciousness, or other cause. A person engages in nonconsensual sexual activity if the person knows, or reasonably should know, that the other person is of diminished capacity to consent or has in any way manifested lack of consent. Intoxication is not a defense against allegations of nonconsensual sexual activity.

(6) **Day.** The term "day," unless otherwise qualified, means "calendar day." The qualified term "instructional day" means any day within an academic term that the university is open for business, excluding weekends and holidays.

~~((5))~~ (7) **Dean of student success.** The term "dean" or "dean of student success" means the chief student affairs officer of the university and includes any acting or interim dean designated by the president to perform the functions and duties of the dean under this student code.

~~((6))~~ (8) **Disciplinary action.** The term "disciplinary action" means the decision of the designated university official regarding alleged violations of the student code and includes any disciplinary sanction imposed for such violations. Disciplinary action does not include a summary suspension.

~~((7))~~ (9) **Filing and service.**

(a) **Filing.** The term "filing" means the delivery to the designated university official of any document that is required to be filed under this code. A document is filed by hand delivering it or by mailing it to the university official (or the official's assistant) at the official's office address. Filing is complete upon actual receipt during office hours at the office of the designated official.

(b) **Service.** The term "service" means the delivery to a party of any document that is required to be served under this code. A document is served by hand delivering it to the party or by mailing it to the party's address of record. Service is complete when the document is hand delivered or actually deposited in the mail.

(c) **Electronic filing and service.** Unless otherwise provided, filing or service may be accomplished by electronic mail.

~~((8))~~ (10) **Party.** A "party" to a disciplinary proceeding under this code includes the student conduct officer and the student respondent, as well as any complainant in a proceeding involving allegations of sexual misconduct or discriminatory harassment.

~~((9))~~ (11) **Preponderance of evidence.** The term "preponderance of the evidence" is a standard of proof requiring that facts alleged as constituting a violation of this code must be proved on a more likely than not basis.

~~((10))~~ (12) **Respondent.** A "respondent" is a student against whom disciplinary action is initiated.

~~((11))~~ (13) **Service.** See "Filing and service."

~~((12))~~ (14) **Student.** The term "student" includes all persons taking courses at or through the university, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. The term includes prospective students who have been accepted for admission or registration, currently enrolled students who withdraw before the end of a term, and students, including former students, who engage in prohibited conduct between terms of actual enrollment or before the awarding of a degree or other certificate of completion.

~~((13))~~ (15) **University premises.** "University premises" shall include all campuses and electronic presences of the university, wherever located, and includes all land, buildings, facilities, vehicles, equipment, computer systems, web sites, and other property owned, used, or controlled by the university.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-020 Prohibited student conduct. Prohibited student conduct includes engaging in, attempting to engage in, or encouraging or assisting another person to engage in, any of the conduct set forth in this section. As applicable, the term "conduct" includes acts performed by electronic means. The term "includes" or "including" as used in this section means "without limitation."

(1) **Academic dishonesty.** The term "academic dishonesty" for purposes of this student code includes cheating, plagiarism, and fabrication. Nothing in this student code shall be construed as limiting the authority of faculty and academic administrators to assign academic consequences for these or other forms of academic misconduct.

(a) **Cheating.** Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment, including collaboration without authority.

(b) **Plagiarism.** Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct

may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) **Fabrication.** Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an academic assignment.

(2) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** An "alcohol violation" includes using, possessing, delivering, selling, or being under the influence of any alcoholic beverage, except as permitted by law and applicable university policies.

(b) **Cannabis/marijuana.** A "cannabis" or "marijuana violation" includes using, possessing, delivering, selling, or being under the influence of ((marijuana)) cannabis or the psychoactive compounds found in ((marijuana)) cannabis and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits any possession or use of marijuana on university premises or in connection with university activities.

(c) **Drug.** A "drug violation" includes using, possessing, delivering, selling, or being under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner. The abuse, misuse, or unlawful sale or distribution of prescription or over-the-counter medications may also constitute a drug violation.

(d) **Tobacco.** A "tobacco violation" means smoking or using tobacco products, electronic smoking devices (including e-cigarettes and vape pens), or other smoking devices in any area of university premises where smoking or tobacco use is prohibited in accordance with public law and university policy.

(3) **Disruptive or obstructive conduct.** The term "disruptive(~~"or~~) or obstructive conduct" means conduct, not protected by law, that interferes with, impedes, or otherwise unreasonably hinders the normal teaching, learning, research, administrative, or other functions, procedures, services, programs, or activities of the university. The term includes disorderly conduct, breach of the peace, violation of local or university noise policies, lewd or obscene conduct, obstruction of pedestrian or vehicular traffic, tampering with student election processes, or interfering with the orderly conduct of university investigations or disciplinary proceedings, including interfering with or retaliating against any witness, party, or other participant.

(4) **Ethics violations.** An "ethics violation" includes the breach of any applicable code of ethics or standard of professional practice governing the conduct of a profession for which the student is studying to be licensed or certified. The term also includes the violation of any state law or university policy relating to the ethical use of university resources.

(5) **Failure to comply.** The term "failure to comply" means refusing to obey the lawful directive of a university official or authorized university body, including a failure to identify oneself upon request, refusing to comply with a disciplinary sanction, or violating any no-contact or other protective order.

(6) **False or deceptive conduct.** The term "~~false("or")~~) or deceptive conduct" means dishonest conduct (other than academic dishonesty) that includes forgery, altering or falsifying of university records, furnishing false or misleading information to the university,

falsely claiming an academic credential, or falsely accusing any person of misconduct.

(7) **Harassment.** The term "harassment" or "discriminatory harassment" means unwelcome and objectively offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently ~~((serious))~~ severe, pervasive, or persistent as to ~~((deny or limit))~~ have the effect of denying, limiting, or unreasonably interfering with the ability of a student to participate in or benefit from the university's educational program, or that creates an intimidating, hostile, or offensive environment for any campus community member(s). Protected status includes a person's actual or perceived race, color, national origin, gender, disability, or other status protected by law. See "Sexual misconduct" for the definition of "sexual harassment."

(8) **Hazing.** "Hazing" includes any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes or is likely to cause the destruction or removal of public or private property or that causes or is likely to cause bodily danger or physical harm, or serious mental or emotional harm, to any student or other person.

(9) **Personal offenses.** The term "personal offense" is an offense against the safety or security of any person and includes physical assault, reckless endangerment, physical or verbal abuse, threats, intimidation, ~~((harassment, bullying, stalking,))~~ invasion of privacy, or other similar conduct that harms any person, or that is reasonably perceived as threatening the health or safety of any person, or that has the purpose or effect of unlawfully interfering with any person's rights. The term includes personal offenses committed by electronic means.

(10) **Property violations.** The term "property violation" includes the theft, misappropriation, unauthorized use or possession, vandalism, or other nonaccidental damaging or destruction of university property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and university trademarks.

(11) **Relationship violence.** The term "relationship violence" includes "domestic violence" and "intimate partner violence."

(a) **Domestic violence.** The term "domestic violence" means the infliction of physical harm, bodily injury, or assault (or the objectively reasonable fear of such harm, injury, or assault), or stalking, perpetrated against a current or former spouse or intimate partner, current or former cohabitant, a person with whom one shares a child in common, or a person with whom one resides, including roommates.

(b) **Intimate partner violence.** The term "intimate partner violence," also known as dating violence, means the infliction of physical harm, bodily injury, or assault (or the objectively reasonable fear of such harm, injury, or assault), or stalking, perpetrated by a person against another with whom one is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(12) **Retaliation.** The term "retaliation" means harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of

this code or other university policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a university investigation or disciplinary proceeding.

~~((12))~~ **(13) Safety violations.** The term "safety violation" includes any nonaccidental conduct that interferes with or otherwise compromises any university policy, equipment, or procedure relating to the health, safety ((and)), or security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

~~((13))~~ **(14) Sexual misconduct.** The term "sexual misconduct" includes "sexual harassment," "sexual ((intimidation)) exploitation," and "sexual violence."

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome and objectively offensive conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is directed at a person because of such person's sex or gender and that is sufficiently ((serious as to deny or limit, based on sex,)) severe, pervasive, or persistent as to have the effect of denying, limiting, or unreasonably interfering with the ability of a student to participate in or benefit from the university's educational program, or that creates an intimidating, hostile, or offensive environment for any campus community member(s).

(b) **Sexual ((intimidation)) exploitation.** The term "sexual ((intimidation)" incorporates the definition of "sexual harassment" and) exploitation" means ((threatening or emotionally distressing conduct based on sex, including stalking (or cyberstalking),) taking sexual advantage of another, without consent, for the gratification of oneself or any third person(s). The term includes voyeurism, indecent exposure, ((or)) the nonconsensual recording of nudity or sexual activity ((or)) where there is a reasonable expectation of privacy (or the nonconsensual distribution of such recording), inducing another person to engage in sexual activity for payment or other benefit, and knowingly exposing another to a sexually transmitted infection. ((Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's safety or the safety of others, or to suffer substantial emotional distress.))

(c) **Sexual violence.** The term "sexual violence" ((incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated against a person's will or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, and sexual coercion. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, unconsciousness, or other cause.

~~(14))~~ includes "nonconsensual sexual contact" and "nonconsensual sexual intercourse."

(i) **Nonconsensual sexual contact.** The term "nonconsensual sexual contact" means any nonaccidental touching (including touching with any object) of the intimate parts of another person's body, clothed or unclothed, including a person's mouth, breasts, genital area, and buttocks, without the consent of the other person. The term also includes nonconsensual touching in a sexual manner of one's own intimate body parts, nonconsensual touching of another with one's own intimate body parts, removing another person's clothing without consent, or inducing

a person without consent to touch their own or another person's intimate body parts.

(ii) **Nonconsensual sexual intercourse.** The term "nonconsensual sexual intercourse" includes any penetration, however slight, with any body part or object, of another person's mouth, vagina, or anus without the consent of the other person. The term also includes nonconsensual oral sex, with or without penetration.

(15) **Stalking.** The term "stalking," including cyberstalking, means a course of conduct, directed at a specific person, that involves repeatedly contacting, harassing, or following the person for no legitimate purpose, causing the person to have the same fear for the person's safety, the safety of others, or the security of property that a reasonable person in the same situation would experience under all the circumstances.

(16) **Unauthorized access.** The term "unauthorized access" means gaining entry without permission to any restricted area or property of the university or the property of another person, including any facility, computer system, email account, or electronic or paper files. Unauthorized access includes computer hacking and the unauthorized possession or sharing of any restricted means of gaining access, including keys, keycards, passwords, or access codes.

~~((15))~~ (17) **University policy violations.** The term "policy violation" means the violation of any ~~((applicable law or))~~ university policy or applicable law governing the conduct of students as members of the university community, including university policies governing nondiscrimination, alcohol and drugs, computer use, copyright, campus health and safety, and parking and traffic.

~~((16))~~ (18) **Weapons violations.** A "weapons violation" includes the possession, display, or use of any firearm, explosive, dangerous chemical, knife, or other instrument capable of inflicting serious bodily harm in circumstances that are reasonably perceived as causing alarm for the safety of any person. The term "weapons violation" includes any threat to use a weapon to harm any person and the use of any fake weapon or replica to cause the apprehension of harm. The term further includes the possession on university premises of any firearm or other dangerous weapon in violation of public law or university policy, but does not include the lawful possession of any personal protection spray device authorized under RCW 9.91.160.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-030 Disciplinary sanctions. The university may impose any of the following disciplinary sanctions for violations of this student code. Violations must be proved by a preponderance of the evidence.

(1) **Conduct reprimand.** A "conduct reprimand" is a written notice formally censuring a student for a student code violation and providing notice that a repeated violation will subject the student to more severe disciplinary action.

(2) **Conduct probation.**

(a) The term "conduct probation" means a specified period of time during which a student's continued enrollment will be conditioned on the student's compliance with specified requirements or restrictions.

The probation may be for a limited term or may extend for the duration of the student's attendance at the university, depending on the nature and seriousness of the code violation(s). The sanction of conduct probation may be imposed in the form of a deferred suspension.

(b) Conditions placed on a student's continued enrollment may include, without limitation, any one or more of the following requirements or restrictions:

(i) Compliance with applicable standards of conduct under the student code and university policies;

(ii) Restitution, defined as payment of compensation for damage or loss caused to the university or any person as a result of the student's misconduct, or the assessment of such fines as may be authorized under specific university policies for violations of those policies;

(iii) Restrictions on the student's contact with specified individuals or groups, which may include an order that the student refrain from having any communication with the specified persons;

(iv) Restrictions on the student's access to specified university premises and/or limitations on the student's participation in university activities, which may include removal from or reassignment of student housing or denial of eligibility to participate in intercollegiate athletics;

(v) A requirement that the student receive education or participate in training relating to the student's misconduct, which may include other educational sanctions assigned for the purpose of facilitating student development and learning as deemed appropriate to the offense;

(vi) A requirement that the student be professionally evaluated by a qualified health care provider who is approved by the university and who is authorized by the student to discuss the evaluation with designated university officials, together with a requirement that the student comply with treatment recommendations relating to the student's ability to maintain appropriate standards of conduct.

(c) A student's failure to comply with the conditions of the conduct probation may result in further disciplinary action including, but not limited to, disciplinary suspension or permanent dismissal.

(3) **Conduct suspension.** A "conduct suspension" means a temporary dismissal from the university and the suspension of student status for a specified period of time with no refund of tuition or fees. Reenrollment following a disciplinary suspension may be conditioned on any of the requirements or restrictions that may apply to a conduct probation.

(4) **Conduct dismissal.** The term "conduct dismissal" means permanent expulsion from the university with no refund of tuition or fees and may include an order trespassing the student from university premises. A sanction of conduct dismissal shall be recorded on the student's academic transcript.

(5) **Other sanctions.** The following additional sanctions for student code violations may be imposed as required or permitted by law or university policy.

(a) **Athletics eligibility.** A student athlete found in violation of WAC 106-125-020 (2)(c), relating to drug violations, shall be ineligible to participate in university athletics pursuant to RCW 69.41.340. Eligibility to participate in intercollegiate athletics may be denied based on violations of other student conduct prohibited under WAC 106-125-020.

(b) ~~((Parental))~~ Parent/guardian notification. The university reserves the right to inform a student's parent(s) or legal guardian(s) of the student's misconduct to the extent permitted by applicable law.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-040 Disciplinary action—Initiation. (1) The student conduct officer will initiate disciplinary action by serving the student respondent with written notice of an initial disciplinary meeting. The notice shall briefly describe the factual allegations or the issues involved, the specific conduct code provision(s) the respondent is alleged to have violated, and the range of possible sanctions for such violations(s).

(2) At the disciplinary meeting, the student conduct officer will review the allegations with the respondent and will afford the respondent an opportunity to respond. If the respondent fails to attend or participate in the meeting, the conduct officer may take disciplinary action based on the available information.

(3) In a proceeding involving allegations of sexual misconduct or discriminatory harassment, the student conduct officer prior to taking disciplinary action will afford the complainant an opportunity to discuss the results of any investigation and the possible sanctions and/or conditions that could be imposed for the complainant's protection if the sexual misconduct or discriminatory harassment allegations are found to be substantiated.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) The conduct officer may dismiss the proceeding upon finding the allegations to be unsubstantiated and after providing any appropriate counseling or warnings. Such action shall be final and not subject to appeal or further review, except as provided in proceedings involving allegations of sexual misconduct or discriminatory harassment.

(b) If the allegations are found to be substantiated, the conduct officer may impose any of the disciplinary sanctions authorized under WAC 106-125-030. Such sanction(s) shall be subject to review on appeal as provided in this student code.

(c) The conduct officer may refer the matter for disciplinary action by the student conduct council. Such referral shall be in writing, to the attention of the dean of student success, with a copy served on the respondent (and any complainant in a proceeding involving allegations of sexual misconduct or discriminatory harassment). The decision to refer shall not be subject to appeal or further review.

(5) Within ~~((ten))~~ 10 days of the initial disciplinary meeting, the conduct officer will serve the respondent (and any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations) with a written decision either dismissing or referring the matter or imposing disciplinary sanctions. If sanctions are imposed, the written decision will specify the conduct code provision(s) found to have been violated, will describe the facts and conclusions

supporting the sanction(s), and will provide notice of any appeal rights.

(6) In a proceeding involving sexual misconduct or discriminatory harassment allegations, the decision will state whether such allegations were substantiated and will describe any sanctions or conditions imposed for the complainant's protection. The copy of the decision provided to a complainant will be redacted as needed to exclude any confidential student information not relating to the sexual misconduct or discriminatory harassment allegations.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-045 Appeal and review procedures—General. The following general rules apply to appeals or requests for further administrative review of disciplinary action at any stage of a student disciplinary proceeding.

(1) **Parties.** The parties to an appeal or review proceeding shall be the respondent, any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations, and the student conduct officer.

(2) **Filing of appeals.**

(a) **Appeal periods.** An appeal or request for review of disciplinary action must be filed with the designated university official within the applicable time period as further specified in these rules.

(b) **Contents of appeal.** A party's written notice of appeal or request for review must explain why the party disagrees with the disciplinary decision and what relief or remedy the party is requesting. The appeal or request for review must address one or more of the following grounds:

(i) **Insufficient evidence.** The disciplinary action taken was not supported by a preponderance of the evidence.

(ii) **New evidence.** New evidence not available at the time the disciplinary action was taken should result in a different outcome.

(iii) **Procedural or other error.** The disciplinary action was taken in violation of prescribed procedures or was based on an erroneous interpretation or application of the student conduct code.

(iv) **Disproportionate outcome.** The disciplinary action taken was not proportionate to the student conduct violation(s) alleged.

(c) **Failure to appeal.** The failure of a party to file a timely appeal or request for review at any stage of the proceeding waives that party's right to appeal. However, in a proceeding involving sexual misconduct or discriminatory harassment allegations, if any party appeals, the university official receiving the appeal or request for review will notify the other parties and will afford each party the opportunity to participate in the appeal or review proceeding.

(3) **Effect of appeal - Stay.** The implementation of disciplinary action imposing a conduct suspension of any length (~~or imposing a~~), removal from student housing, or conduct expulsion shall be stayed pending the time for filing an appeal and the conclusion of disciplinary proceedings. Other disciplinary sanctions shall not be stayed.

(4) **Reviewing authority.**

(a) Appeals of disciplinary action taken by the student conduct officer will be heard by the conduct review officer or student conduct council as further provided in these rules.

(b) Appeals of disciplinary action taken by the conduct review officer in a brief adjudicative proceeding will be heard by the dean of student success (or designee) as further provided in these rules.

(c) Appeals of disciplinary action (~~recommended~~) imposed by the student conduct council will be heard by the conduct review officer as further provided in these rules.

(5) **Ex parte communications.** Reviewing authorities (the conduct review officer, student conduct council members, and the dean) may not communicate with any of the parties regarding an appeal without providing notice and an opportunity for all parties to participate.

(6) **Disqualification.** Reviewing authorities may not participate in a proceeding in which they:

(a) Are a complainant or witness;

(b) Have a direct or personal interest, prejudice, or bias; or

(c) Have previously acted in the same proceeding in another capacity.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-050 Disciplinary action—Appeals. (1) Respondent.

The student respondent may appeal the disciplinary action of the student conduct officer in accordance with the following rules:

(a) The respondent may appeal disciplinary action imposing a conduct reprimand, conduct probation, (~~or~~) conduct suspension not in excess of (~~ten~~) 10 days, removal from student housing, or denial of eligibility to participate in intercollegiate athletics by filing a written notice of appeal with the conduct review officer within (~~ten~~) 10 days of service of the disciplinary decision.

(b) The respondent may appeal disciplinary action imposing a conduct suspension in excess of (~~ten~~) 10 days or a conduct dismissal by filing a written notice of appeal with the conduct review officer within (~~twenty~~) 20 days of service of the disciplinary decision.

(2) **Complainant.** The complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations may appeal the disciplinary action of the student conduct officer with respect to such allegations in accordance with the following rules:

(a) The complainant may appeal disciplinary action dismissing the proceeding or imposing a conduct reprimand, conduct probation, or conduct suspension not in excess of (~~ten~~) 10 days by filing a written notice of appeal with the conduct review officer within (~~ten~~) 10 days of service of the disciplinary decision.

(b) The complainant may appeal disciplinary action imposing a conduct suspension in excess of (~~ten~~) 10 days or a conduct dismissal by filing a written notice of appeal with the conduct review officer within (~~twenty~~) 20 days of service of the disciplinary decision.

(3) If no appeal is filed within the applicable time period, the disciplinary action of the student conduct officer shall be final.

WAC 106-125-055 Conduct review hearings—Initial decision. (1)
Conduct review officer - Authority.

(a) The conduct review officer will hear a respondent's appeal of disciplinary action imposing a conduct reprimand, conduct probation, ~~((ten))~~ conduct suspension not in excess of ~~((ten))~~ 10 days, removal from student housing, or denial of eligibility to participate in intercollegiate athletics.

(b) In a proceeding involving sexual misconduct or discriminatory harassment allegations, the conduct review officer will hear a complainant's appeal of disciplinary action dismissing the sexual misconduct or discriminatory harassment allegations or imposing, with respect to such allegations, a conduct reprimand, conduct probation, or conduct suspension not in excess of ~~((ten))~~ 10 days.

(c) The conduct review officer shall have the same authority as the student conduct officer to dismiss a proceeding, to impose a disciplinary sanction of conduct reprimand, conduct probation, or conduct suspension not in excess of ~~((ten))~~ 10 days, or to refer the matter for disciplinary action by the student conduct council.

(2) **Appeal hearing.** Appeals heard by the conduct review officer will be conducted as informal administrative hearings consistent with the rules for "brief adjudicative proceedings" under RCW 34.05.482 and WAC 106-08-050. The review officer shall provide each party an opportunity to explain the party's view of the matter.

(3) **Initial decision - Service.**

(a) Within ~~((ten))~~ 10 days of consideration of the appeal, the conduct review officer will serve an initial decision upon the respondent, the student conduct officer, and any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations. The initial decision will explain the reasons for the decision and will provide notice of any right to request further administrative review.

(b) In a proceeding involving sexual misconduct or discriminatory harassment allegations, the initial decision will explain the reasons for modifying any disciplinary action taken with respect to such allegations. The copy of the decision provided to a complainant will be redacted as needed to exclude any confidential student information not relating to the sexual misconduct or discriminatory harassment allegations.

(c) A decision by the conduct review officer to refer the appeal to the student conduct council is not subject to further administrative review.

(4) **Initial decision - Request for review.** The respondent (or any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations) may request administrative review of the initial decision by filing a written request for review with the dean of student success within ~~((twenty-one))~~ 21 days of service of the initial decision. If no request for review is filed, the initial decision of the conduct review officer shall be final.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-060 Conduct review hearings—Review of initial decision. (1) Requests for review of the initial decision of the conduct review officer will be heard by the dean of student success (or designee). The dean shall have the same authority on review as the conduct review officer to take disciplinary action.

(2) The dean will review the hearing record and will afford the parties the opportunity to file written statements explaining their views of the matter. The dean may make any inquiries necessary to ascertain whether the proceeding should be referred to the student conduct council for a formal hearing.

(3) Within (~~twenty~~) 20 days of the date for the parties to submit written statements, the dean will serve a written review decision upon the respondent, the student conduct officer, and any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations. The review decision will explain the reasons for the decision and will provide a notice that judicial review may be available.

(4) In a proceeding involving sexual misconduct or discriminatory harassment allegations, the review decision will explain the reasons for modifying any disciplinary action taken with respect to such allegations. The copy of the decision provided to a complainant will be redacted as needed to exclude any confidential student information not relating to the sexual misconduct or discriminatory harassment allegations.

(5) The review decision of the dean (or designee) shall be final.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-070 Student conduct council. (1) The student conduct council shall consist of three (~~students and two faculty members selected from a panel of eight full-time students and six faculty members holding the rank of assistant professor or above who are appointed to the panel in accordance with procedures established respectively by student government and the faculty senate~~) university employees appointed by the university president or president's designee. The conduct council members will be (~~randomly~~) selected by the council advisor subject to availability and qualification in accordance with WAC 106-125-045(6). Additional (~~students and faculty~~) university employees may be selected to serve as alternate council members.

(2) The student conduct council shall elect a chair to preside over the hearing, and the dean of student success shall appoint a non-voting staff member as council advisor to convene and otherwise advise and assist the council.

(3) The student conduct council will hear appeals of disciplinary action imposing a conduct suspension in excess of (~~ten~~) 10 days or a conduct dismissal. The council will hear such other matters as may be referred to the council by the student conduct officer, conduct review officer, or dean of student success. The council shall have the au-

thority to (~~recommend dismissing~~) dismiss a proceeding or to (~~recommend imposing~~) impose any of the disciplinary sanctions under WAC 106-125-030.

(4) Proceedings of the student conduct council shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and by the model rules of procedure (chapter 10-08 WAC), as supplemented by these rules.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-075 Student conduct council—Prehearing procedure.

(1) The conduct council chair or advisor shall cause all parties to be served with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair or advisor may shorten this notice period if the parties agree, and may continue the hearing to a later time for good cause shown.

(2) The conduct council chair, assisted by the council adviser, is authorized to conduct prehearing conferences and to make prehearing decisions concerning the forms and extent of any discovery, issuance of protective orders, and similar procedural matters.

(3) The council chair or advisor may direct the parties prior to the hearing to exchange lists of potential witnesses and copies of exhibits that the parties reasonably expect to present to the council. Failure to participate in good faith in such an exchange may be cause for excluding from the hearing any witness or exhibit not disclosed.

(4) The council chair or advisor in advance of the hearing may provide council members with copies of (a) any notice of disciplinary action (or referral to the council) and (b) any notice of appeal filed by the respondent (or any complainant). However, such "pleadings" shall not be regarded as evidence of any facts they may allege.

(5) Any party may be accompanied at the hearing by (~~a nonattorney~~) an advisor of the party's choice. A respondent (or any complainant) may be represented by an attorney at such party's own cost, but will be deemed to have waived that right unless, at least four instructional days before the hearing, the attorney files and serves a notice of appearance. If the respondent (or complainant) is represented by an attorney, the student conduct officer may be represented by the university's assistant attorney general.

(6) The student conduct council may itself be advised in any proceeding by an independently assigned assistant attorney general who shall have had no other involvement in the matter and who shall be appropriately screened from any other assistant attorney general appearing in the proceeding.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-080 Student conduct council—Hearing procedure. (1)

Upon the failure of any party to attend or participate in a hearing, the student conduct council may either:

- (a) Proceed with the hearing; or
- (b) Serve an order of default in accordance with RCW 34.05.440.

(2) Council hearings shall be closed to the public, unless all parties (including any complainant) agree on the record that all or parts of the proceeding may be open. The council chair shall determine any extent to which the hearing will be open. The chair may exclude from the hearing any person who disrupts the proceeding.

(3) The council advisor shall cause the hearing to be recorded pursuant to RCW 34.05.449 by a method the advisor selects. Other recording shall be permitted in accordance with WAC 10-08-190. The advisor shall maintain the official record of the proceeding that is required by RCW 34.05.476. Such record shall be made available upon request for inspection and copying by any party to the extent permitted by applicable laws.

(4) The council chair shall preside at the hearing and shall decide procedural questions that arise during the hearing, except as overridden by a majority vote of the council.

(5) The student conduct officer (or assistant attorney general) shall present the case for imposing disciplinary sanctions and shall bear the burden of establishing the alleged violations by a preponderance of the evidence.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(7) The respondent and a complainant in any proceeding involving sexual misconduct or discriminatory harassment allegations shall not directly question or cross-examine one another. All questions shall be directed to the council chair, who will act as an intermediary and pose questions on behalf of the parties. The council chair may reframe questions as to form or exclude questions on the grounds of relevance or privilege.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-085 Student conduct council—(~~Recommended~~) Initial decision. (1)

At the conclusion of the hearing, the student conduct council shall permit the parties to make closing arguments in whatever form the council wishes to receive them. The council may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within (~~twenty~~) 20 days following the later of the conclusion of the hearing or the receipt of closing arguments, the student conduct council shall issue (~~a recommended~~) an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The (~~recommended~~) decision shall contain findings on relevant issues of fact, conclusions concerning which, if any, provisions of the student code were

found to be violated, and any (~~recommended~~) sanction(s) imposed. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The council chair shall cause the (~~recommended~~) initial decision to be served on the respondent, the student conduct officer, and any complainant in a proceeding involving sexual misconduct or discriminatory harassment allegations. In a proceeding involving sexual misconduct or discriminatory harassment allegations, the decision will state whether (~~the sexual misconduct~~) such allegations were substantiated and will describe any sanctions or conditions (~~recommended~~) imposed for the complainant's protection. The copy of the decision provided to a complainant will be redacted as needed to exclude any confidential student information not relating to the sexual misconduct or discriminatory harassment allegations.

(4) The council advisor, upon receipt of a timely filed appeal, shall promptly transmit the council's (~~recommended~~) initial decision and the record of the proceedings for review by the conduct review officer who shall enter a final decision. If no appeal is timely filed, the initial decision of the student conduct council shall be the final decision.

AMENDATORY SECTION (Amending WSR 15-24-054, filed 11/23/15, effective 12/24/15)

WAC 106-125-090 Student conduct council—(~~Review~~) Appeal of (~~recommended~~) initial decision. (1) The (~~recommended~~) initial decision of the student conduct council will be reviewed on appeal by the conduct review officer. The conduct review officer shall have the same authority on review as the student conduct officer to take disciplinary action.

(2) The review by the conduct review officer will be limited to the hearing record made before the student conduct council. The conduct review officer will afford all parties the opportunity to file written statements explaining why they agree or disagree with the council's (~~recommended~~) initial decision. The conduct review officer may notify the parties that the review will be limited to reviewing the specific issues raised by the parties.

(3) The conduct review officer will serve a written decision upon all parties (including the complainant in any proceeding involving sexual misconduct or discriminatory harassment allegations) within (~~twenty~~) 20 days of the date for the parties to submit written statements. The decision will adopt or modify the conduct council's (~~recommended~~) initial decision and will provide a notice that reconsideration and/or judicial review may be available.

(4) In a proceeding involving sexual misconduct or discriminatory harassment allegations, the review decision will explain the reasons for modifying any (~~recommended~~) disciplinary action imposed with respect to such allegations. The copy of the decision provided to a complainant will be redacted as needed to exclude any confidential student information not relating to the sexual misconduct or discriminatory harassment allegations.

(5) The decision of the conduct review officer shall be final.

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

NEW SECTION

WAC 106-125-200 Order of precedence. This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. § 106 (the "Title IX Final Rule"). To the extent these supplemental hearing procedures conflict with the university's standard disciplinary procedures, WAC 106-125-005 through 106-125-090, these supplemental procedures shall take precedence.

NEW SECTION

WAC 106-125-201 Revocation by operation of law. If any portion of the Title IX Final Rule is stayed or held invalid by a court of law, then the invalidated elements of the policy will be deemed revoked as of the publication date of the opinion or order.

NEW SECTION

WAC 106-125-205 Prohibited conduct under Title IX. Pursuant to RCW 28B.35.120(12) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. § 1681, the university may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment." For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) **Quid pro quo harassment.** A student employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.

(2) **Hostile environment harassment.** Hostile environment harassment, defined as unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's educational programs or activities, or employment.

(3) **Sexual assault.** Sexual assault includes the following conduct:

(a) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal

penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of 18.

(d) **Statutory rape.** Consensual sexual intercourse between someone who is 18 years of age or older and someone who is under the age of 16.

(4) **Domestic violence.** Domestic violence, defined as physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(5) **Dating or intimate partner violence.** Dating or intimate partner, defined as physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(6) **Stalking.** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's safety or the safety of others, or suffer substantial emotional distress.

NEW SECTION

WAC 106-125-210 Title IX jurisdiction. (1) This supplemental procedure applies only if the alleged misconduct:

(a) Occurred in the United States;

(b) Occurred during a university educational program or activity;

(c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure; and

(d) At the time of filing a formal complaint, the complainant was participating or attempting to participate in the educational program or activity.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the university.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (d) of this section have not been met. Dismissal under this supplemental procedure does not prohibit the university from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the student conduct code under WAC 106-125-020.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

NEW SECTION

WAC 106-125-215 Initiation of discipline. (1) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct council and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

- (a) Set forth the basis for Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);
- (d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
- (e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
 - (i) The advisors will be responsible for questioning all witnesses on the party's behalf;
 - (ii) An advisor may be an attorney; and
 - (iii) The university will appoint the party an advisor of the university's choosing at no cost to the party, if the party fails to do so; and
- (f) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

NEW SECTION

WAC 106-125-220 Student conduct council. For purposes of this supplemental Title IX procedure, the student conduct council shall consist of three university employees appointed by the university president (or designee) in accordance with WAC 106-125-070. The university may request an administrative law judge (ALJ) from the office of administrative hearings or other trained hearing officer to serve as the presiding officer in conducting the Title IX hearing.

NEW SECTION

WAC 106-125-225 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct council will send a hearing notice to all parties, in compliance with WAC 106-125-075. In no event will the hearing date be set less than 10 days after the Title IX coordinator provided the final investigation report to the parties.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the conduct council chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the university intends to offer the evidence at the hearing.

NEW SECTION

WAC 106-125-230 Rights of parties. (1) The university's student conduct council hearing procedures, WAC 106-125-075, 106-125-080, and 106-125-085, and this supplemental procedure shall apply equally to all parties.

(2) The university bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the university's choosing on the party's behalf at no expense to the party.

NEW SECTION

WAC 106-125-235 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) The conduct council chair shall review all questions for relevance and shall explain on the record the chair's reasons for excluding any question based on lack of relevance. Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(2) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(3) Unless this rule is abrogated by operation of law pursuant to WAC 106-125-201, if a party or witness does not submit to cross-examination during the live hearing, the conduct council must not rely on any statement by that party or witness in reaching a determination of responsibility.

(4) Except as abrogated by operation of law pursuant to WAC 106-125-201, the conduct council may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(5) The conduct council shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counselors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

NEW SECTION

WAC 106-125-240 Initial decision. (1) In addition to complying with WAC 106-125-085, the student conduct council will be responsible for conferring and drafting an initial decision that:

(a) Identifies the allegations of sexual harassment;

(b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

(c) Makes findings of fact supporting the determination of responsibility;

(d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

(e) Contains a statement of, and rationale for, the conduct council's determination of responsibility for each allegation;

(f) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the university's education programs or activities; and

(h) Describes the appeal process for review of the conduct council's decision by the university's conduct review officer under WAC 106-125-090.

(2) The conduct council chair will serve the initial decision on the parties simultaneously.

NEW SECTION

WAC 106-125-245 Appeal of initial decision. (1) The parties shall have the right to appeal the initial decision of the student conduct council in accordance with the appeal procedures and timelines under WAC 106-125-045.

(2) The initial decision of the student conduct council shall be reviewed on appeal by the conduct review officer in accordance with this section and the appeal procedures under WAC 106-125-090.

(3) The conduct review officer will prepare a written review decision determining whether the grounds for appeal have merit, providing the rationale for this conclusion, and determining whether the disciplinary sanction(s) and condition(s) imposed in the initial decision are affirmed, vacated, or modified, and, if modified, setting forth any new disciplinary sanction(s) or condition(s).

(4) The conduct review officer shall serve the conduct review decision on the parties simultaneously.

(5) The decision of the conduct review officer shall be final.

WAC 106-08-050 Brief adjudicative proceedings. (1) The university will conduct brief adjudicative proceedings in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted.

(2) Except as otherwise provided by rule or as determined in a particular case by the university president (or designee), brief adjudicative proceedings shall be used to hear appeals of administrative actions relating to the following matters:

- (a) Parking and traffic citations;
- (b) Outstanding student debts or employee overpayments;
- (c) Student residency determinations;
- (d) Library fines;
- (e) Challenges to contents of student education records;
- (f) ~~((Loss))~~ Removal from student housing or denial of student eligibility ~~((for participation))~~ to participate in ~~((university))~~ intercollegiate athletics;

(g) Student disciplinary action as defined under the student conduct code, except for a decision referring the matter to the student conduct council, a decision imposing a sanction of conduct suspension in excess of ten instructional days, or a decision imposing a sanction of conduct expulsion; or

(h) Administrative decisions regarding mandatory tuition and/or fee waivers.

(3) Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt and fair resolution of the matter.

(4) The administrative record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. Such records shall be maintained as the official record of the proceedings.



CENTRAL WASHINGTON UNIVERSITY
Vice President for Business and Financial Affairs
February 18, 2022

ACTION – Approval of Bond Resolution 22-01

Attachment 1: System Revenue Refunding Bond, Series 2022, Bond Resolution No. 22-01

The CWU “System” consists of revenue generated by Housing and Dining, parking, and the Wildcat Shop (bookstore) and student activities. The System holds the university’s revenue bonds and must generate enough revenue to cover operating expenses and debt service, plus set aside funds for asset re-investment.

In order to reduce total interest expense, the university intends to refinance the 2012 System bonds, which were originally used to fund the renovation of Kamola Hall.

A copy of the proposed Series Resolution is attached. It provides for the issuance of the university’s System Revenue Refunding Bond, Series 2022. The issuance will provide funds to pay the cost of refunding certain system revenue bonds, reduce debt-service, and pay the costs of issuing the bond. It also fixes or establishes parameters for certain terms and covenants of the bond, authorizes and directs the sale of the bond, and appoints the university’s authorized representative to approve the final terms of the sale of the bond.

We recommend the following motion:

The Board of Trustees of Central Washington University adopts the Series Resolution 22-01 as attached.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Joel Klucking', with a stylized flourish at the end.

Joel Klucking, Vice President
Business and Financial Affairs

Approved for Submittal to the Board

A handwritten signature in black ink, appearing to read 'A. James Wohlpart', with a large, stylized initial 'A'.

Jim Wohlpart
President

BOARD OF TRUSTEES
CENTRAL WASHINGTON UNIVERSITY

SYSTEM REVENUE REFUNDING BOND
SERIES 2022 BOND RESOLUTION
RESOLUTION NO. 22-01

A RESOLUTION of the Board of Trustees of Central Washington University providing for the issuance of the University's System Revenue Refunding Bond, Series 2022, for the purpose of providing funds to pay the cost of refunding certain system revenue bonds of the University to achieve a debt service savings and to pay the costs of issuing the bond; fixing or establishing parameters for certain terms and covenants of the bond; authorizing and directing the sale of the bond; appointing the University's authorized representative to approve the final terms of the sale of the bond; and providing for other related matters.

ADOPTED FEBRUARY 18, 2022

Prepared by:

*Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
(206) 447-4400*

BOARD OF TRUSTEES
CENTRAL WASHINGTON UNIVERSITY
SYSTEM REVENUE REFUNDING BOND
SERIES 2022 BOND RESOLUTION
RESOLUTION NO. 22-01

TABLE OF CONTENTS*

		Page
Section 1.	Definitions and Interpretation.....	3
Section 2.	Findings of the Board of Trustees	6
Section 3.	Authorization of Series 2022 Bond	7
Section 4.	Description of Series 2022 Bond; Appointment of Authorized Representative	7
Section 5.	Registrar; Registration and Transfer of Series 2022 Bond.....	7
Section 6.	Form and Execution of Series 2022 Bond.....	9
Section 7.	Payment of Series 2022 Bond	10
Section 8.	Prepayment of the Series 2022 Bond	10
Section 9.	Failure To Pay Series 2022 Bond.....	10
Section 10.	Bond Fund; Pledge of Gross Revenue.....	10
Section 11.	Tax Covenants.	11
Section 12.	Refunding or Defeasance of the Series 2022 Bond.....	13
Section 13.	Sale of Series 2022 Bond	13
Section 14.	Refunding Plan	14
Section 15.	Severability	16
Section 16.	Effective Date	16

* The cover page, table of contents and section headings of this Series Resolution are for convenience of reference only and shall not be used to resolve any question of interpretation of this Series Resolution.

BOARD OF TRUSTEES
CENTRAL WASHINGTON UNIVERSITY

SYSTEM REVENUE REFUNDING BOND
SERIES 2022 BOND RESOLUTION
RESOLUTION NO. 22-01

A RESOLUTION of the Board of Trustees of Central Washington University providing for the issuance of the University's System Revenue Refunding Bond, Series 2022, for the purpose of providing funds to pay the cost of refunding certain system revenue bonds of the University to achieve a debt service savings and to pay the costs of issuing the bond; fixing or establishing parameters for certain terms and covenants of the bond; authorizing and directing the sale of the bond; appointing the University's authorized representative to approve the final terms of the sale of the bond; and providing for other related matters.

WHEREAS, Resolution No. 12-02 (the "Master Resolution"), adopted on February 3, 2012, by the Board of Trustees (the "Board") of Central Washington University (the "University"), restated Resolution No. 02-03 adopted by the Board on May 10, 2002, as amended by Resolution No. 04-01 adopted by the Board on May 26, 2004, including certain provisions approved by Bondowners on June 10, 2004, and by Resolution No. 10-10 adopted by the Board on October 1, 2010, which Master Resolution authorizes the issuance of special fund revenue bonds (the "Bonds") in one or more series; and

WHEREAS, the University has issued various series of Bonds under the Master Resolution, of which the following Bonds remain Outstanding:

Name of Issue	Original Principal Amount	Dated Date	Series Resolution Number	Resolution Adoption Date
System Revenue Bonds, 2010, Series B (Taxable Build America Bonds – Direct Payment) (“Series 2010B Bonds”)	\$31,950,000	11/17/2010	10-15	11/05/2010
System Revenue Refunding Bonds, Series 2012 (“Series 2012 Bonds”)	7,665,000	4/17/2012	12-01, as amended	2/03/2012
System Revenue Refunding Bonds, Series 2013 (“Series 2013 Bonds”)	53,415,000	3/28/2013	12-18	12/07/2012
System Revenue Refunding Bonds, Series 2016 (“Series 2016 Bonds”)	29,175,000	9/08/2016	16-06	7/28/2016
System Revenue Bonds, Series 2018 (“Series 2018 Bonds”)	45,425,000	4/04/2018	18-02	2/09/2018

WHEREAS, the Board now finds it necessary to issue and sell a Bond (the “Series 2022 Bond”) under the authority of the Master Resolution for the purpose of providing funds to pay the cost of refunding certain outstanding Bonds to achieve a debt service savings and to pay costs of issuing the Series 2022 Bond;

WHEREAS, the Board wishes to delegate authority to each of the President of the University and the Chief Financial Officer/Vice President for Business and Financial Affairs (as further defined herein, the “Authorized Representative”) to select the Purchaser (as defined herein), to accept the Offer (as defined herein), and to conduct the sale of the Series 2022 Bond in the manner and upon the terms deemed most advantageous to the University, and to approve the Final Terms (as defined herein) of the Series 2022 Bond, with such additional terms and covenants as the Authorized Representative deems advisable, within the parameters set forth herein; and

WHEREAS, it is necessary that the date, form, and certain terms and conditions of the Series 2022 Bond be fixed pursuant to Section 8 of the Master Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF CENTRAL WASHINGTON UNIVERSITY, as follows:

Section 1. Definitions and Interpretation. Unless otherwise defined herein, the terms used in this Series Resolution, including the preamble hereto, that are defined in the Master Resolution shall have the meanings set forth in the Master Resolution. In addition, the following terms shall have the following meanings in this Series Resolution:

“Acquired Obligations” means the United States Treasury Certificates of Indebtedness, Notes, and Bonds—State and Local Government Series and other direct, noncallable obligations of the United States of America, if any, purchased to accomplish the Refunding Plan as authorized herein and in accordance with the Refunded Bond Resolutions.

“Authorized Representative” means each of the President of the University, the Chief Financial Officer/Vice President for Business and Financial Affairs, and such other person as may be specified as such from time to time by resolution of the Board.

“Bond Counsel” means the firm of Foster Garvey PC, its successor, or any other attorney or firm of attorneys selected by the University with a nationally recognized standing as bond counsel in the field of municipal finance.

“Bond Register” means the books or records maintained by the Registrar for the purpose of identifying ownership of the Series 2022 Bond.

“Final Terms” means the terms and conditions for the sale of the Series 2022 Bond including the amount, date, denomination, interest rate or rates (or mechanism for determining interest rate or rates), payment dates, final maturity, prepayment rights, price, and other terms or covenants.

“Future Parity Bonds” means any special fund revenue bonds or other revenue obligations that are issued by the University in the future as Parity Bonds.

“Government Obligations” means noncallable direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

“Issue Date” means the date of initial issuance and delivery of the Series 2022 Bond to the Purchaser in exchange for the purchase price of the Series 2022 Bond.

“Master Resolution” means Restated Master Resolution No. 12-02 adopted by the Board on February 3, 2012.

“Offer” means the written offer of the Purchaser describing certain terms for the purchase of the Series 2022 Bond.

“Purchaser” means the financial institution selected by the Authorized Representative pursuant to a request for proposals, and its successors and assigns.

“Record Date” means the Registrar’s close of business on the 15th day of the month preceding an interest payment date.

“Redemption Date” means May 1, 2022, or such other date fixed by the Authorized Representative for redemption of the Refunded Bonds.

“Refunded Bond Resolutions” means, collectively, Resolution No. 02-03 adopted by the Board on May 10, 2002, as amended by Resolution No. 04-01 adopted by the Board on May 26, 2004, including certain provisions approved by Bondowners on June 10, 2004, and by Resolution No. 10-10 adopted by the Board on October 1, 2010, together with Resolution No. 12-01 adopted by the Board on February 3, 2012, and Resolution No. 12-03 adopted by the Board on April 4, 2012.

“Refunded Bonds” means the outstanding Series 2012 Bonds stated to mature on or after May 1, 2023.

“Refunding Plan” means:

(a) the deposit with the Refunding Trustee or the bond registrar for the Refunded Bonds of proceeds of the Series 2022 Bond (together with other money of the University, if necessary);

(b) the purchase by the Refunding Trustee, if any, of the Acquired Obligations, if any, and the application of the principal of and interest on the Acquired Obligations, if any, together with any other cash balance, to the call, payment, and redemption of the Refunded Bonds on the Redemption Date at a price equal to 100% of the principal amount being redeemed plus accrued interest, if any, to the Redemption Date; and

(c) the payment of the costs of issuing the Series 2022 Bond and the costs of carrying out the foregoing clauses (a) and (b).

“Refunding Trust Agreement” means a refunding trust or escrow agreement, if any, between the University and the Refunding Trustee, dated the Issue Date, providing for the carrying out of the Refunding Plan.

“Refunding Trustee” means U.S. Bank Trust Company, National Association, serving as refunding trustee or escrow agent for the Refunded Bonds, or any successor trustee or escrow agent.

“Registrar” means the Fiscal Agency or any successor bond registrar selected by the University.

“Registered Owner” means the person in whose name the Series 2022 Bond is registered on the Bond Register.

“Series 2010B Bonds” has the meaning specified in the preamble to this Series Resolution.

“Series 2012 Bonds” has the meaning specified in the preamble to this Series Resolution.

“Series 2013 Bonds” has the meaning specified in the preamble to this Series Resolution.

“Series 2016 Bonds” has the meaning specified in the preamble to this Series Resolution.

“Series 2018 Bonds” has the meaning specified in the preamble to this Series Resolution.

“Series 2022 Bond” means the Central Washington University System Revenue Refunding Bond, Series 2022, authorized to be issued by the Master Resolution and this Series Resolution.

“State” means the State of Washington.

Section 2. Findings of the Board of Trustees. In addition to the findings made in the preamble to this Series Resolution, which are hereby incorporated as if fully set forth herein, the Board finds that:

(a) There is no deficiency in either the Principal and Interest Account or the Reserve Account of the Bond Fund.

(b) Provision is made by Section 10 of this Series Resolution for the payment of the principal of and interest on the Series 2022 Bond from the Bond Fund.

(c) The University is or will be in compliance with the conditions for the issuance of the Series 2022 Bond as a Parity Bond set forth in Section 11 of the Master Resolution.

(d) It is in the best interest of the University to delegate certain authority to the Authorized Representative.

(e) A Refunding Plan approved by the Authorized Representative in accordance with this Series Resolution will effect a savings by the difference between the principal and interest cost over the life of the Series 2022 Bond and the principal and interest cost over the life of the Refunded Bonds but for such refunding, and it is in the best interests of the University to issue the Series 2022 Bond to carry out such a Refunding Plan. In making such

a determination, the Board has given consideration to the fixed maturity of the Series 2022 Bond and the Refunded Bonds and the costs of issuing the Series 2022 Bond.

(f) A Refunding Plan approved by the Authorized Representative in accordance with the provisions of this Series Resolution will discharge and satisfy the obligations, pledges, charges, trusts, covenants, and agreements of the University under the Refunded Bond Resolutions as to the Refunded Bonds, and the Refunded Bonds shall no longer be deemed to be outstanding immediately upon the deposit with the Refunding Trustee or the bond registrar for the Refunded Bonds of the money specified in such a Refunding Plan.

Section 3. Authorization of Series 2022 Bond. The University is authorized to issue the Series 2022 Bond to carry out the Refunding Plan.

Section 4. Description of Series 2022 Bond; Appointment of Authorized Representative. Each Authorized Representative, acting individually, is authorized and directed to conduct the sale of the Series 2022 Bond in the manner and upon the terms deemed most advantageous to the University, and to approve the Final Terms, with such additional terms and covenants as the Authorized Representative deems advisable, within the parameters set forth in Exhibit A, which is attached to this Series Resolution and incorporated by this reference.

The Series 2022 Bond shall be a special fund revenue obligation of the University payable only out of the Bond Fund. The Series 2022 Bond is not a general obligation of the University. The Series 2022 Bond is not an indebtedness of the University or of the State within the meaning of the constitutional provisions and limitations of the State.

Section 5. Registrar; Registration and Transfer of Series 2022 Bond.

(a) Registrar; Duties. The Fiscal Agency is appointed as initial Registrar for the Series 2022 Bond. The Registrar shall keep, or cause to be kept, sufficient books for the

registration and transfer of the Series 2022 Bond, which shall be open to inspection by the University at all times. The Registrar is authorized, on behalf of the University, to authenticate and deliver the Series 2022 Bond when transferred or exchanged in accordance with the provisions of the Series 2022 Bond and this Series Resolution, to serve as the University's paying agent for the Series 2022 Bond, and to carry out all of the Registrar's powers and duties under this Series Resolution and the Master Resolution (as they pertain to the Series 2022 Bond). The Registrar shall be responsible for its representations contained in the Registrar's Certificate of Authentication on the Series 2022 Bond. The Registrar may become the Registered Owner of the Series 2022 Bond with the same rights it would have if it were not the Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of the Registered Owner.

(b) Bond Register; Transfer and Exchange. The Series 2022 Bond shall be issued only in registered form as to both principal and interest and shall be recorded on the Bond Register. The Bond Register shall contain the name and mailing address of the Registered Owner and the principal amount and number of the Series 2022 Bond. The Series 2022 Bond, when surrendered to the Registrar, may be exchanged for another Series 2022 Bond in the same principal amount, maturity, and interest rate. The Series 2022 Bond may be transferred only in whole and if endorsed in the manner provided thereon and surrendered to the Registrar, accompanied by a letter of representation in the form attached thereto. Any exchange or transfer shall be without cost to the Registered Owner or transferee.

Section 6. Form and Execution of Series 2022 Bond.

(a) Form of Series 2022 Bond; Signatures and Seal. The Series 2022 Bond shall be prepared in a form consistent with the provisions of the Master Resolution, this Series Resolution, and State law. The Series 2022 Bond shall be signed in the corporate name of the University by the Chair of the Board and attested by the Secretary of the Board, either or both of whose signatures may be manual or in facsimile, and the seal of the University or a facsimile reproduction thereof shall be impressed or printed thereon. If any officer whose manual or facsimile signature appears on the Series 2022 Bond ceases to be an officer of the University authorized to sign bonds before the Series 2022 Bond bearing the manual or facsimile signature of the officer is authenticated by the Registrar or issued or delivered by the University, the Series 2022 Bond nevertheless may be authenticated, issued, and delivered and, when authenticated, issued, and delivered, shall be as binding on the University as though that person had continued to be an officer of the University authorized to sign bonds. The Series 2022 Bond also may be signed on behalf of the University by any person who, on the actual date of signing of the Series 2022 Bond, is an officer of the University authorized to sign bonds, although the person did not hold the required office on its Issue Date.

(b) Authentication. Only if the Series 2022 Bond bears a Certificate of Authentication in substantially the following form, manually signed by the Registrar, shall the Series 2022 Bond be valid or obligatory for any purpose or entitled to the benefits of this Series Resolution: “Certificate of Authentication. This Series 2022 Bond is the fully registered Central Washington University System Revenue Refunding Bond, Series 2022, described in the Resolution.” The authorized signing of a Certificate of Authentication shall be conclusive

evidence that the Series 2022 Bond so authenticated has been duly executed, authenticated, and delivered and is entitled to the benefits of this Series Resolution.

Section 7. Payment of Series 2022 Bond. Principal of and interest on the Series 2022 Bond shall be payable in lawful money of the United States of America. Principal of and interest on the Series 2022 Bond are payable by electronic transfer on the payment date to the Registered Owner appearing on the Bond Register on the Record Date. The final principal installment of the Series 2022 Bond is payable only upon presentation and surrender of the Series 2022 Bond by the Registered Owner to the Registrar. The Series 2022 Bond is not subject to acceleration under any circumstances.

Section 8. Prepayment of the Series 2022 Bond. The Series 2022 Bonds shall be subject to prepayment at the option of the University on terms acceptable to the Authorized Representative, as set forth in the Offer, consistent with the parameters set forth in Exhibit A

Section 9. Failure To Pay Series 2022 Bond. Except as otherwise provided in the Offer, if any principal installment of any the Series 2022 Bond is not paid when due, the University shall be obligated to pay interest on the principal installment at the same rate provided in the Series 2022 Bond from and after its due date until the principal installment, together with interest thereon, is paid in full.

Section 10. Bond Fund; Pledge of Gross Revenue. Pursuant to the Master Resolution, the Bond Fund has been previously created in the office of the Treasurer for the purpose of paying and securing the payment of Parity Bonds. The Bond Fund shall be held separate and apart from all other funds and accounts of the University and shall be a trust fund for the registered owners, from time to time, of the Parity Bonds.

The Gross Revenue is pledged to the payment of the Parity Bonds. The University irrevocably obligates and binds itself to set aside and pay into the Bond Fund from Gross Revenue or other money in the Revenue Fund, on or prior to the respective dates the same become due, the amounts required to pay the principal of and interest on the Series 2022 Bond.

All amounts pledged to be paid with respect to the Series 2022 Bond are declared to be an equal and prior lien and charge upon the Gross Revenue superior to all other charges of any kind or nature whatsoever, except that the payment of the Series 2022 Bond shall be secured by a lien and charge upon the Gross Revenue on a parity with the lien and charge upon the Gross Revenue that secure payment of the Series 2010B Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2016 Bonds, the Series 2018 Bonds, and any Future Parity Bonds.

Money in the Bond Fund not needed to pay the interest or principal and interest next coming due on the Parity Bonds may be used to prepay or redeem Parity Bonds. Money in the Revenue Fund and the Bond Fund may be commingled for investment purposes and may be invested in any investments legal for the University.

Pursuant to this Series Resolution, the Treasurer is authorized to make deposits to and transfers (or payments) from a number of “funds” and/or “accounts.” In each case, the Treasurer may designate each such fund or account in the discretion of the Treasurer as a “fund” or as an “account,” regardless of its designation in this Series Resolution.

Section 11. Tax Covenants. The University covenants that it will take all actions necessary to prevent interest on the Series 2022 Bond from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Series 2022 Bond or other funds of the University treated as proceeds of the Series 2022 Bond that will cause interest on the Series 2022 Bond to be included in gross income

for federal income tax purposes. The Treasurer is authorized and directed to review, update, and implement the University's written procedures to facilitate compliance by the University with the covenants in this Section and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on the Series 2022 Bond from being included in gross income for federal tax purposes. The University also covenants that it will, to the extent the arbitrage rebate requirements of section 148 of the Code are applicable to the Series 2022 Bond, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Series 2022 Bond.

The Series 2022 Bond is deemed designated as a "qualified tax-exempt obligation" for the purposes of section 265(b)(3) to the extent that: (a) the amount of the Series 2022 Bond does not exceed the outstanding amount of the Refunded Bonds; and (b) the average maturity date of the Series 2022 Bond is not later than the average maturity date of the Refunded Bonds.

To the extent the Series 2022 Bond is not deemed designated pursuant to the foregoing paragraph, the University designates the Series 2022 Bond as a "qualified tax-exempt obligation" for purposes of section 265(b)(3) of the Code and makes the following findings and determinations: (a) the Series 2022 Bond is not a "private activity bond" within the meaning of section 141 of the Code; (b) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the University and any entity subordinate to the University (including any entity that the University controls, that derives its authority to issue tax-exempt obligations from the University, or that issues tax-exempt obligations on behalf of the University) will issue during the year in which the Series 2022 Bond is issued will not exceed \$10,000,000; and (c) the amount of tax-exempt obligations, including the Series 2022 Bond, designated by the University as "qualified

tax-exempt obligations” for the purposes of section 265(b)(3) of the Code during the year in which the Series 2022 Bond is issued does not exceed \$10,000,000.

Section 12. Refunding or Defeasance of the Series 2022 Bond. The University may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a refunding or defeasance plan, which may include (a) paying when due the principal of and interest on any portion or all of the outstanding principal of the Series 2022 Bond (the “defeased portion”); (b) prepaying the defeased portion prior to its maturity; and (c) paying the costs of the refunding or defeasance. If the University sets aside in a special trust fund or escrow account irrevocably pledged to that prepayment or defeasance (the “trust account”) money and/or Government Obligations maturing at a time or times and bearing interest in amounts sufficient to prepay, refund, or defease the defeased portion in accordance with the terms of the Series 2022 Bond, then all right and interest of the Registered Owner in the covenants of this Series Resolution and the Master Resolution as to the defeased portion and in the funds and accounts obligated to the payment of the defeased portion shall cease and become void. Thereafter, the Registered Owner shall have the right to receive payment of the principal of and interest on the defeased portion solely from the trust account, and the defeased portion shall be deemed no longer Outstanding. In that event, the University may apply money remaining in any fund or account (other than the trust account) established for the payment or prepayment of the defeased portion to any lawful purposes of the System as it shall determine.

Section 13. Sale of Series 2022 Bond. The University authorizes the sale of the Series 2022 Bond to the Purchaser selected pursuant to a competitive request for proposals. The Authorized Representative shall select the Purchaser with which to negotiate the Offer, which Offer shall set forth the Final Terms. The Authorized Representative is authorized to execute and

deliver the Offer on behalf of the University, so long as the terms provided therein are consistent with the terms of this Series Resolution and the Master Resolution. In accepting the Final Terms, the Authorized Representative shall take into account those factors that, in the judgment of the Authorized Representative, may be expected to result in the lowest true interest cost to the University. The Series 2022 Bond will be prepared at University expense and will be delivered to the Purchaser in accordance with the Offer, together with the approving legal opinion of Bond Counsel regarding the Series 2022 Bond. The proper University officials are authorized and directed to do everything necessary for the prompt delivery of the Series 2022 Bond to the Purchaser and for the proper application and use of the proceeds of the sale thereof.

Section 14. Refunding Plan.

(a) Appointment of Refunding Trustee. The Authorized Representative is authorized to appoint U.S. Bank Trust Company, National Association, as Refunding Trustee.

(b) Use of Bond Proceeds; Acquisition of Acquired Obligations. On the Issue Date, the proceeds of the sale of the Series 2022 Bond shall be deposited with the Refunding Trustee or the bond registrar for the Refunded Bonds and used to discharge the obligations of the University relating to the Refunded Bonds by carrying out the Refunding Plan. Such obligations may be discharged fully by the Refunding Trustee's simultaneous purchase of the Acquired Obligations, if any, bearing such interest and maturing as to principal and interest in such amounts and at such times so as to provide, together with a beginning cash balance, if necessary, for the payment of the amount required to be paid by the Refunding Plan. The Acquired Obligations, if any, shall be listed and more particularly described in a schedule attached to the Refunding Trust Agreement. Any Series 2022 Bond proceeds or other money deposited with the Refunding Trustee not needed to carry out the Refunding Plan shall be returned to the University

for deposit in the Bond Fund to pay interest on the Series 2022 Bond on the next interest payment date.

(c) Refunding Trust Agreement; Administration of Refunding Plan. The Authorized Representative is authorized to execute a Refunding Trust Agreement setting forth the duties, obligations, and responsibilities of the Refunding Trustee in connection with carrying out the Refunding Plan. The Refunding Trust Agreement, among other things, may authorize and direct the Refunding Trustee to purchase the Acquired Obligations and to make the payments required to be made by the Refunding Plan. All Acquired Obligations and the money deposited with the Refunding Trustee and any income therefrom shall be held irrevocably, invested, and applied in accordance with the provisions of the Refunded Bond Resolutions, the Master Resolution, this Series Resolution, chapter 39.53 RCW and other applicable State law. All administrative costs (including all necessary and proper fees, compensation, and expenses of the Refunding Trustee and all other costs incidental to the setting up of the escrow to accomplish the Refunding Plan) and costs of issuance of the Series 2022 Bond may be paid out of the amounts deposited with the Refunding Trustee or other available money of the University, in accordance with the Refunding Trust Agreement.

(d) The University calls for redemption on the Redemption Date all of the Refunded Bonds at a price equal to the principal amount thereof plus accrued interest. Such call shall be irrevocable after the Series 2022 Bond is delivered to the Purchaser. The Treasurer is authorized and directed to give or cause to be given such notices as required, at the times and in the manner required, pursuant to the Refunded Bond Resolutions, and to take all other actions necessary to effect the redemption of the Refunded Bonds on the Redemption Date.

Section 15. Severability. If any one or more of the covenants or agreements provided in this Series Resolution to be performed on the part of the University shall be declared by any court of competent jurisdiction to be contrary to law, then each such covenant or agreement shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Series Resolution and shall in no way affect the validity of the other provisions of this Resolution or of any Parity Bonds.

Section 16. Effective Date. This Series Resolution shall be effective immediately upon its adoption. Any actions taken pursuant to this Series Resolution, prior to its effective date, are ratified and confirmed.

PASSED AND APPROVED by the Board of Trustees of Central Washington University at a regular meeting held on the 18th day of February, 2022.

CENTRAL WASHINGTON UNIVERSITY

Chair, Board of Trustees

ATTEST:

Secretary, Board of Trustees

EXHIBIT A

PARAMETERS FOR FINAL TERMS

- (a) Principal Amount. The Series 2022 Bond shall not exceed the aggregate principal amount of \$4,700,000.
- (b) Date. The Series 2022 Bond shall be dated the Issue Date, which date may not be later than one year after the effective date of this Series Resolution.
- (c) Denominations, Name. The Series 2022 Bond shall be issued in the denomination of its principal amount and shall be numbered in the manner and shall bear any name and additional designation as deemed necessary or appropriate by the Authorized Representative.
- (d) Interest Rates. The Series 2022 Bond shall bear interest at a fixed rate per annum (computed, unless otherwise specified in the Offer, on the basis of a 360-day year of twelve 30-day months) from the Issue Date or from the most recent date for which interest has been paid or duly provided for, whichever is later. No rate of interest for the Series 2022 Bond (other than interest borne by the Series 2022 Bond while an event of default has occurred and is continuing) may exceed 5.00%, and the true interest cost to the University for the Series 2022 Bond may not exceed 3.00%.
- (e) Payment Dates. Interest shall be payable at fixed rates on dates acceptable to the Authorized Representative, commencing no later than one year following the Issue Date. Principal payments shall commence on a date acceptable to the Designated Representative and shall be payable at maturity or in mandatory prepayment installments annually thereafter, on dates acceptable to the Authorized Representative.
- (f) Final Maturity. The Series 2022 Bond shall mature no later than the date that six months after the final maturity of the Refunded Bonds.

- (g) Prepayment Rights. (1) Optional Prepayment. Any principal installment of the Series 2022 Bond may be designated as being (A) subject to prepayment at the option of the University prior to scheduled payment date on the dates and at the prices set forth in the Offer; or (B) not subject to prepayment at the option of the University prior to its scheduled payment date. If any principal installment is subject to optional prepayment prior to its scheduled payment date, it must be subject to such prepayment on one or more dates occurring not more than 10½ years after the Issue Date.
- (2) Mandatory Prepayment. Any principal installment of the Series 2022 Bond may be subject to mandatory prepayment prior to maturity on the dates and in the amounts set forth in the Offer.
- (h) Price. The purchase price for the Series 2022 Bond may not be less than 98% or more than 105% of the stated principal amount of the Series 2022 Bond.
- (i) Reserve Account. The Series 2022 Bond shall not be secured by the Reserve Account.
- (j) Savings. The Series 2022 Bond shall produce a minimum net present value savings to the University of at least 3.00% (as a percentage of the Refunded Bonds). Net present value savings means the aggregate difference between (1) annual debt service on the Refunded Bonds, less (2) annual debt service on the Series 2022 Bond (including expenses related to costs of issuance of the Series 2022 Bond) discounted to the Issue Date using the yield on the Series 2022 Bond as the discount rate, plus (3) excess cash, if any, distributed to the University on the Issue Date, and less (4) the amount of additional money of the University contributed to the refunding, if any, on the Issue Date.

SECRETARY'S CERTIFICATE

I, the undersigned, the duly chosen, qualified, and acting Secretary of the Board of Trustees (the "Board") of Central Washington University (the "University") and keeper of the records of the Board, HEREBY CERTIFY:

1. The attached Resolution No. 22-01 (the "Resolution") is a full, true, and correct copy of a resolution of the Board duly adopted at a regular meeting of the Board held on February 18, 2022, as that Resolution appears on the minute book of the University, and the Resolution is now in full force and effect.

2. A quorum of the members of the Board was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand as of this _____ day of February, 2022.

Secretary, Board of Trustees

Central Washington University
Board of Trustees
February 18, 2022

Action – Summer Session 2022 Budget Proposal

State law provides a structure for tuition rates for fall, winter, and spring quarters. However, RCW 28B.15.067(4)] allows governing boards to "reduce or increase full-time tuition fees for all students other than resident undergraduates...including summer school students."

For the first time since 2015, an increase in summer tuition rates is recommended: 5% for the resident graduate tuition rate and a 3% increase for all other summer tuition rates. These rate increases will help offset the cost-of-living adjustments provided instructional personnel in most years since 2015. The change also will limit the impact cost-of-living increases have had on summer session net profits, which support expenses such as college equipment replacement and college department non-instructional budgets.

The proposed rate increases are displayed in the following table:

CWU Summer Tuition Fee Per Credit			
	2021	2022	Difference
Resident Undergraduate	\$ 264.70	\$ 272.64	\$ 7.94
Non-resident Undergraduate	\$ 397.05	\$ 408.96	\$ 11.91
Resident Graduate	\$ 310.59	\$ 327.14	\$ 16.55
Non-resident Graduate	\$ 465.89	\$ 479.87	\$ 13.98

We recommend the following motion:

The Board of Trustees of Central Washington University hereby approves the summer session 2022 budget proposal, including a 5% increase to the summer resident graduate tuition rate and a 3% increase to all other summer tuition rates.

Submitted:



Joel Klucking, Vice President
Business and Financial Affairs

Approved for Submittal to the Board:



Jim Wohlpart
President

Central Washington University
Board of Trustees
February 18, 2022

Action – Fiscal Year 2023 Housing and Dining Rate Approval

The Division of Business and Financial Affairs and Department of Student Success seek authorization to increase the room-and-board rate up to 3 percent in the aggregate for the 2022-2023 academic year (fiscal year 2023).

The proposed rate is in accordance with the comprehensive Housing and Dining Financial Master Plan, authorized by the Board in February 2020. The Master Plan provides long-term strategies to fund building preservation and enhancement, to address the asset renewal backlog, and to cover costs associated with large inflationary pressure, including labor and cost of goods.

This increase represents a balanced approach to offset rising costs and to maintain affordability for students and will be matched with a corresponding 3-percent reduction in costs in order to continue to build the preservation funds.

The Housing and Dining Advisory Board, President's Budget Advisory Committee, Executive Leadership Team and president support the draft request.

We recommend the following motion:

The Board of Trustees of Central Washington University hereby approves the Auxiliary Services Housing and Dining maximum rate increase, not to exceed 3 percent in the aggregate, for fiscal year 2023.

Submitted:


Joel Klucking
Business and Financial Affairs

Approved for Submittal to the Board:


Jim Wohlpart
President

CENTRAL WASHINGTON UNIVERSITY
Board of Trustees
February 18, 2022

Action – Revisions to 403(b) Retirement Plan and Voluntary Investment Plan (VIP)

Fidelity Investments is the plan administrator for the CWU Retirement Plan (CWURP) and the Voluntary Investment Plan (VIP). The CWURP serves faculty and exempt employees, while the VIP is available to all faculty and staff.

In anticipation of a regulatory deadline of June 30, 2020, the plan documents were updated in 2019 and 2020. The regulatory changes were contained in the Bipartisan Budget Act of 2018.

A key revision in the budget bill was articulating under what circumstances a retirement-plan participant can get a hardship distribution from a retirement plan. The revisions have rolling effective dates based on availability of the new provisions within the VIP plan. The deadline for including these changes in the VIP was December 31, 2021. Changes were effected by written amendment and signed by the CWU Director of Benefits on December 16, 2021. The revisions have now been included in an amendment to section 6.3 of the VIP.

We recommend the following motion to authorize the changes at the governing board level and to delegate authority in the future to the CWU Benefits Director to make required changes in plans.

The Board of Trustees of Central Washington University hereby approves the following:

- (1) changes to the CWURP and the VIP made in June 2020, to conform retirement plan requirements of the Internal Revenue Service;**
- (2) an amendment to VIP section 6.3 regarding hardship distributions required to be made as a result of changes in Treasury regulations; and**
- (3) delegation of authority to the CWU Benefits Director to amend benefit plan documents to comply with applicable law and regulations, provided such amendment does not have a material economic effect on the university.**

Submitted:



Joel Klucking, Vice President
Business and Financial Affairs

Approved for Submittal to the Board:



Jim Wohlpart
President



**Board of Trustees
Resolution 22-02**

WHEREAS, on January 17, 2022, Governor Jay Inslee signed [Executive Order 22-02 Achieving Equity in Washington State Government](#), clarifying rules for contracting under Initiative 200 and urged higher education institutions to do the same;

WHEREAS, each person in this state deserves a fair chance to live life to the fullest, regardless of race, ethnicity, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of sensory, mental, or physical disability; and

WHEREAS, in 1998, Washington state voters passed Initiative 200 (I-200), now codified as [RCW 49.60.400](#), which reads: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting"; and

WHEREAS, since 1998, CWU has adhered to [Directive 98-01](#), which described how to implement I-200; and

WHEREAS, diversity, equity, and inclusion are core values for Central Washington University; and

WHEREAS, CWU recognizes and embraces its responsibility to dismantle discrimination and institutional and systemic barriers to fulfill its public service mandate to ensure that all people have full access to opportunities to flourish and live healthy, successful lives; and

NOW, THEREFORE, BE IT RESOLVED, effective immediately, the Board of Trustees of Central Washington University does hereby adopt Executive Order 22-02 and all of the provisions therein, including:

1. **Improve Diversity in Public Contracting** – CWU will leverage the newly developed Tools for Equity in Public Spending, developed by the state OMWBE to support the implementation of the Roadmap to Contracting Equity and in response to the [2019 Statewide Disparity Study](#).
2. **Provide Equity in Public Employment** – CWU will continue to adhere to [SHR Directive 20-02](#), which is intended to address and dismantle oppressive systems and practices in the workplace and build new, equitable systems to achieve a workforce that is representative of the diversity of Washington and practices cultural humility.

3. **Support Student Access and Success** — Prepare a report describing the differences in patterns of access and success across student subpopulations, the faculty- and staff-equity demographics at public educational institutions, and the scope and progress of existing programs designed to identify and remedy discrimination in our higher education system. The report will also describe gaps in these programs and recommend additional actions.
4. **Promote Equity and Inclusion** — Identify ways to bolster access to state services by reducing barriers and eliminating inequities in all aspects of university decision-making, including but not limited to, service delivery, program development, policy development, staffing, and budgeting.

The rescission of Directive 98-01 does not alter other state and federal legal requirements applicable to affirmative action measures. As CWU implements this Executive Order, the university will consult with the Office of the Attorney General, State Human Resources, and the Office of Equity.

ADOPTED and signed this 18th day of February, 2022.



Robert Nellams
Chair



Jim Wohlpart
President

Dear CWU Board of Trustees,

I appreciate this opportunity to provide an overview of Faculty Senate activities that are occurring during this academic year (2021-2022). The Executive Committee and Senate standing committees are working diligently in collaboration with other university stakeholders to make progress on policy/procedure language adjustments and initiatives that support students, faculty, and the university community. I'll provide a quick summary of what each committee is working on:

Antiracism, Diversity, and Inclusivity Ad-Hoc Committee

- Developing a model for incorporating an anti-racist/or race and ethnicity, diversity, equity, and inclusion graduation requirement for undergraduate students. This graduation requirement was approved by Faculty Senate on 2June2021 and is projected to begin Fall 2023.
- Developing proposed learning outcomes and evaluation process for potential courses that incorporate all required ADI elements. A motion to senate is expected in late spring 2022.
- Examine ways to evaluate all ADI course outcomes and course assessment strategies

Academic Affairs Committee

- Several charges considering revisions to policy and/or procedure regarding advising, academic holds, warning/probation/suspension, academic dishonesty, appeals, disruptive behavior, and other academic policies that will help students and faculty with these processes.
- Committee collaborates closely with the Office of the Registrar, Provost Office, Transfer Center, Information Services, and other university constituents. It is vital that full consultation occurs at all levels in order to support student success across the university.

Bylaws and Faculty Code Committee

- Developing language additions and modifications to Faculty Code and Bylaws in several areas including: strengthening faculty code in policy, senate representation for departments, complaint procedures, updating Emeritus Faculty language, NTT Emeritus definitions, assessment of academic administrators, and committee meeting formats (in-person vs virtual).
- Each of these charges are being worked on to help reduce ambiguity and to provide clarity and structure within faculty code and bylaws language. Continuous improvement in these areas assist faculty in shared governance and procedural efficiencies as a faculty body.

Budget and Planning Committee

- Working with the CWU administration regarding the new budget structure and processes/plans, while promoting transparency throughout.
- Collecting and analyzing budget data and the impacts to programs, departments, and colleges.
- Considering recommendations regarding tuition waivers, budget effects of COVID-19, General Education Program, and overall budget data.

Faculty Senate

400 East University Way • Ellensburg WA 98926-7509 • Office: 509-963-3231 • Fax: 509-963-3204
Barge, room 409 • Web: www.cwu.edu/faculty-senate

EEO/AA/TITLE IX INSTITUTION • FOR ACCOMMODATION E-MAIL: CDS@CWU.EDU

Curriculum Committee

- Review and approve curriculum proposals for new programs and courses, as well as program changes and course changes for implementation into the course catalog.
- Considering policy and/or procedure changes regarding the curriculum submission process, timelines, potential difficulties, and consistency. Improvements to these policies and procedures will assist in overall process efficiencies at all levels.

Evaluation and Assessment Committee

- Considering revisions to policy and/or procedure regarding Student Evaluations of Instruction (SEOs), faculty peer evaluations, and overall processes around the faculty evaluation of teaching. The goal is to provide clarity in these areas for supporting faculty in their evaluation processes.
- Development and revisions of academic administrator surveys, assessment delivery systems, feedback processes, form types, and notifications schedule.

General Education Committee

- Review and approve General Education Program changes, course additions, student petitions, and transfer articulations.
- Collaborating with the General Education Assessment Coordinator on developing and implementing an overall assessment plan, along with data collection and review. This important information will be included in the NWCCU mid-cycle review.
- Working on overall improvements to the General Education Framework, including identifying pathways for online-only students and transfer students to complete GenEd requirements.

The Executive Committee is overseeing each of the senate committees in supporting their work. We are also working together with the President and Provost regarding several initiatives and appreciate their fantastic efforts in support of shared governance at CWU. I would also like to thank the Board of Trustees executive committee for meeting regularly with the Faculty Senate Executive Committee, and we look forward to our continued interactions as we really appreciate your willingness to hear from faculty directly. If there are any questions about the activities described above or any questions/comments related to Faculty Senate, I would be more than happy to address them.

Respectfully submitted,



Greg Lyman
Faculty Senate Chair, 2021-2022

BOT Report

As fall quarter drew to a closer, Services and Activities (S&A) Committee voted to suspend all supplemental funding request for fiscal year 2021-2022. The committee also voted to cut 5% across different base funded areas for fiscal 2022 and 10% for fiscal 2023 through 2025. This is due to the decrease in enrollment. This decrease in enrollment has led to significant decrease in S&A Funds available to effectively fund base funded areas. For this reason, the committee has recommended budget cuts across all base funded areas. Minutes can be found here:

<https://www.cwu.edu/services-activities/meetingagendas-and-minutes>

As a base funded area, the ASCWU Student Government has had to make changes and cuts its budget maintain a healthy budget as we prepare the next BOD for the changes. We are having to cut several positions and hours of work by student employees employed by student government.

The Offices of the Student Senate Speaker has had to cut senate positions from 23 Senators to 17 Senators, the offices of the Director for Equity Service Council (ESC) and that of ASCWU Governmental Affairs will also cut one position in their offices respectively moving into the next academic year.

The ASCWU Student Government is looking to diversify its funding sources. We are looking to solicit contributions from Organizations such as the Alumni foundation or well-wishers seeking to support the ASCWU Student Government and its endeavors.

Amidst this budget challenges, we have also reached a milestone in student representation.

Different students have been placed on different committees both Faculty and University Standing committees. We now see more representation from others center campuses more than ever before. Diversity has always been an integral goal of this year's student government; we

have been able to ensure this by employing different means of advertising to enable a diverse representation and diversity both in thoughts and experience brought to committees here at the University. This has made more students aware of the committees and other opportunities to serve fellow wildcats, even those on the center campuses.

Through the hard work of the ASCWU Governmental Affairs office, we continue to represent student voices at different levels including the lobbying for students at the Washington Senate.

Students' programs and activities on campus continue to run smoothly. Activities ranging from Wildcat Preview week to legislation affairs in Olympia, Student Senate and Equity and Service council orgs and Clubs meeting continue to run successfully.

Finally, the pandemic continues to challenge the way we create student experience here on campus. We seek to create better student experience here at the University. Many Center campuses events by organized by their organizations are still virtual. Many of the ESC organizations have made the decision to cancel/postpone their larger scale events to prioritize the health and safety of our community.