**ASCWU-BOD Public Meeting**

**April 14, 2014**

**5:00 PM BOD Conference Room**

**Call to Order 5:00pm**

**Introductions**

Bryan Elliott – President

Jacob Wittman – Executive Vice President

Mary Orthmann – VP for Clubs and Organizations

Scott Kazmi – VP for Student Life and Facilities

Spencer Flores – VP for Equity and Community Affairs

Kelsie Miller – VP for Academic Affairs

Cassie DuBore – VP for Legislative Affairs

Arturo Arellano – Public Relations Director

**Approval of Minutes**

**•** 3.10.14 & 3.20.14

* Bryan entertains a motion to table the minutes from the March 10 and 20th minutes. Scott so moves and Jacob seconds. 6-0-1. Motion passes.

• 4.7.14

* Kelsie moves to approve the minutes from April 7, 2014 meeting with the appropriate edits from the BOD. Scott so moves and Cassie seconds. 6-0-1 Motion passes.

**Additions or Corrections to Agenda**

* Mary under communications would like to add Club Recognition for the Latter Day Saints Student Association and Mind Body and Soul.
* Jacob would like to add Committee Applications under Club Recognition.

**Approval of Agenda** Bryan entertains a motion to approve the additions to the agenda. Cassie so moves and Jacob seconds. 6-0-1. Motion passes.

**Officer Reports**

* ***Executive Vice President: Jacob Wittman*** ***BODEVP@cwu.edu*** Last week talked with John Ferguson, attorney, regarding the Fee Policy RCW and will touch on that later in the meeting. He received recycling info from housing and facilities. Handed out about 50 committee applications for next year.
* ***Vice President for Clubs and Organizations: Mary Orthmann*** ***BODClubs@cwu.edu***Funds council will be at 6pm Wednesday, April 16, 2014 in the BOD Conference room. Club senate will follow after funds council in Science 147 at 7pm. Working with Scott Drummond to put together an advisory orientation to help advisors understand their role.
* ***Vice President for Academic Affairs: Kelsie Miller*** ***BODAcademic@cwu.edu***Last Wednesday I attended Faculty Senate and reported on the BOD’s behalf. I touched on projects that we are working on as an entire BOD, such as student self-imposed fees, and individual office’s projects, such as the Club Fair, College civics week, recycling on campus, and I also gave an update from the Fresh Air Campaign. I met with Provost Levine last week and we discussed how the university will adapt in regards to no tuition increase.  This week SAS’s Executive Board meets at *11am* on Wednesday in SURC 236 and General Senate meets at 7pm on Thursday in Black Hall 201. Next Thursday SAS is having a special meeting to review Constitution and By-Law changes proposed by our Constitution and By-Laws Committee. There will be no funds requests or committee report, or any other business at this meeting. I am also working on researching other state university policy on Graduate program thesis review to compare to Central’s policy to see if there is a way to improve the policy to better benefit students.
* ***Vice President for Equity and Community Affairs: Spencer Flores*** ***BODCommunity@cwu.edu***Last week she updated the Equity and Services Council Constitution and the Equity and Services Council is currently working on the by-laws and recently has been working on adjusting their advisors’ role similar to the club advisors’ handbook
* ***Vice President for Student Life and Facilities: Scott Kazmi*** ***BODStuLife@cwu.edu***Last week went to Florida to the Association of College Union International Conference to build community with college unions across the nation and the world. Learned about other student governments and how other student facilities are being handled. Learned about clubs and organizations and how they function at other universities. Overall, it was really awesome experience. He was inspired to propose the idea of going each year to a different school and meeting with their student government.
* ***Vice President for Legislative Affairs: Cassie DuBore*** ***BODLeg@cwu.edu***I have been working to schedule a meeting with legislators in the House Committee on Government Operations to discuss possible legislation for next year that could impact students. All legislative proposals for the WSA for next year’s legislative agenda are due this Friday. Let me know if you have ideas for legislation that you would like to see. Next Friday, April 25th, is 1 Trillion Day, the anniversary of student debt reaching $1 Trillion. We will have a display on the East Patio that day. Come learn about student debt around lunch time and send an email to your Congressional Representative to ask them to do something about it. Proposal for voter accessibility.
* ***President: Bryan Elliott*** ***BODPresident@cwu.edu***He had a couple meetings last week with Dean Swagger about the Learning commons and will touch on that later in the meeting. Met with Traci Pellet about the multimodal fee proposal. The Observer came by and asked if the BOD was being treated fairly by the Observer and if there was anything that was incorrect to let them know and they would have reprint in following week paper. The BOD has been working on building a stronger relationship with the Observer

**Communications:** Communications may be submitted to Bryan Elliott in person or via email BODPresident@cwu.edu.

* Student: Amy Stroll: concerned about the library hour, don’t open until 11am on weekends. She had to sit outside with several other people at 10:30am because the library wasn’t open.
	+ Bryan: Is there a library committee? Is there a student representative?
		- Kelsie: There is a student sitting on the Library Advisory Council. Tony White is the individual. Will ask Tony to keep the Board updated. Student Academic Senate is currently working on a proposal to update the library hours. Will bring the proposal before the BOD before submitting it to the Library Advisory Council
* Scott: Is there a possibility of having the library open 24-hours a day for finals week?
	+ Kelsie: Will consider proposing this as an option to the Student Academic Senate.

**Club Recognition**

* Latter Day Saints Student Association – Doesn’t have organized meeting time and will meet off campus
* Mind Body and Soul – No time, but thinking first of every month on Friday at 2pm (undecided)

Mary moves to approve LDSSA and Mind body and soul. Spencer seconds. No Discussion. 6-0-1. Motion passes

**Committee Application for 2014-2015 Academic Year**

* Art Selection and Permanent Collection Committee – Bryan Cooster
	+ Jacob moves to place Bryan Cooster to the Art Selection and Permanent Collections Committee and Scott seconds. 6-0-1. Motion passes.

**Unfinished Business**

**• Fee Policy Discussion**

* Jacob – BOD asked him to contact an attorney who understands RCW. He was told by the attorney that he can type an informal opinion on the matter.
* The communication from the attorney re: student self-imposed fees can be found in Appendix A.
* **Questions:**
	+ Mary- What did you ask him?
		- Jacob forwarded the emails to the BOD.
	+ Spencer- The 7th paragraph: Does it summarize the entire letter
		- Yes it does
	+ Scott- Is there a different chapter about reducing or eliminating fees?
		- Jacob hasn’t seen any. Bob said only this is the one he saw.
	+ In our own policy, we should say what we want.
	+ Is our focus is increasing and implementation of fees?
		- Recommend to modify the policy to state, “a binding vote with the power of increasing and implementing student fees”
	+ Kelsie – I agree that we should focus on the increasing fees. I do agree with Scott about adding decreasing and eliminating into the wording, but at another time.
	+ Bryan – I would be more comfortable with having an opinion by Attorney General, Allen Smith.
	+ If Allen Smith doesn’t agree with us, can we still move on with our opinion?
		- We run with what we have.
* Kelsie moves to recess for two minutes to think this over. Jacob seconds. Discussion: Bryan- we have two officers who need to go attend another event. 4-2-1. Motion passes.
	+ Meeting called to order at 5:43 pm.

Bryan entertains a motion to consult CWU Attorney General, Allen Smith in regards to the RCWU concerning self-imposed voluntary student fees. Mary so moves and Scott seconds. Discussion: Jacob asks Bryan if he can draft the letter. Bryan will draft the letter. Cassie- is the intent of this motion to officially carry out the opinion? Bryan- No it isn’t, it’s about consulting CWU Attorney General. Kelsie- Does the AG live in Ellensburg? Bryan- No he lives in Seattle. Kelsie-Are we having a verbal or a written communication? Bryan- We will have a written communication? 6-0-1. Motion passes.

**• Multi-Modal Fee**

* Bryan talked with Traci Pellet, the Associate Provost, about the fee and explained that the BOD’s issue isn’t the fee itself, but the $10 fee being imposed on any class using online resources (web presence). Pellet said that the committee proposing the fee needs a way to pay for the cost since there won’t be a tuition increase for 2014-2015, and tuition revenue cannot be used to fund it. Compromise – go to the Budget and Finance Committee (BFC) meeting if we agree and publicly endorce the fee, the committee would reduce the web presence portion of the fee to $5.00 per class instead of $10.00 per class.
* Kelsie – it’s still a lot of money. With other fees being proposed we should consider the options. MyCWU benefits administrators more than the students.
* Jacob – I think this is for BlackBoard and Canvas. Personally don’t agree with the compromise or the fee entirely.
* Scott – What happens if we don’t agree?
	+ Bryan- Look at reducing it to $5.00 from $10.00, speculating that we lose the leverage to negotiate the fee.
* How long do we have to think about this?
	+ BFC meeting is tomorrow afternoon.
* Kelsie – Don’t agree with the fee itself but looking at the situation and choosing the lesser of two evils. As much as I disagree with the fee, it would be more beneficial to have students pay less and help us pick our battles. Maybe if we agree with one, then we could have an understanding.
* Jacob- this fee is like Obama care we don’t want to pay into it but we have no choice.
* Jacob- we worked on keeping cost low and working on building a stronger relationship with the administration
* Scott – motions to support the fee as long as…Scott rescinds motion.
* Bryan entertains a motion to support the implementation of the Multi-modal Course Fee on the condition that web presence courses cost students no more than $5 per course per quarter and that a communication to this effect is presented a BFC tomorrow, April 15, 2014. Scott so moves and Spencer seconds. Discussion: Jacob – should say web presence courses not students. Jacob-Bryan, can you read the communication at BFC. Bryan- I can try to be there. Kelsie - I would like to see the communication. 5-0-2. Motion passes.
* The BOD communication to BFC re: Multimodal Course Fee Proposal can be found in Appendix B.

**• Learning Commons**

* Bryan- Met with Dean Swagger about ways to pay for the Learning Commons
* Jacob – This week S&A is voting to possibly support the Learning Commons it’s an additional $90,000 dollars. Will vote this Wednesday on the matter. Discussed with the Dean funding of 90,000 of the supplemental funding with the possibility of tuition increasing.
* Kelsie – if you all agree that this important to students, I would like to see formal support emphasizing the importance of this program. It would be beneficial. I would be willing to write this communication.
* Jacob moves that the ASCWU-BOD draft a communication to the S&A in support of fully funding the learning common request. Spencer seconds. Jacob yields. 5-0-2. Motion passes.
* The communication from the ASCWU-BOD re: support of funding the Learning Commons can be found in Appendix C.

*Cassie- personal privilege? Scott- personal privilege? Both granted and excused for the remainder of the meeting.*

**New Business**

**• ESC Constitution**

* Spencer – this year, the Equity and Services Council has been changing the constitution and changed everything to gender neutral. Rearranged the student paid positions with redefining position responsibilities. They removed from the responsibilities of the Student Community Programmer from attending Ellensburg city council meetings unless there is an equity or diversity issue. Little grammatical error. We are working on by-laws now.
* Kelsie – I have good faith in your office and the work you have done.
* Kelsie moves to approve the changes to the ESC Constitution. Mary seconds. 4-0-1. Motion passes.

**Issues/Concerns/Announcements**

Mary- U.S. Bank scholarship allotment needs to be completed. Bryan- Will be on agenda for next week.

**Public Comments:** Public Comments may be submitted Bryan Elliott in person or via email BODPresident@cwu.edu. Public comments may also be presented at the time of the meeting

**Adjournment** Jacob moves to adjourn the meeting at 6:07pm. Kelsie seconds. 4-0-1. Motion passes.

***Appendix A***

You asked me for my informal opinion regarding RCW 28B.15.610 and whether that statute, or any provision contained in chapter 28B.15 RCW authorizes or permits the Board of Trustees of Central Washington University to exercise any control over use of voluntary student fees.

As a preliminary matter, I do not purport to and cannot legally act as an attorney on behalf of the Board of Directors or any other duly constituted student governance organization of Central Washington University. I can offer advice to individual students when they request that I do so. It is in the latter capacity that I am responding. The following represents my opinion only and is limited in the respects that I describe.

The answer to the question you pose is plain on the face of the statute:

 “The provisions of this chapter *shall not apply* to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only.” RCW 28B.15.610, in part (emphasis added).

To the best of my knowledge, title 28B.15 RCW is the only chapter in the Code that authorizes the creation of voluntary, self-imposed student fees. It also is the only chapter in the Code that defines and describes the extent to which the governing authority of a state university can exercise any dominion over tuition and fees.[[1]](#footnote-1)

Since the specific statute is very clear that voluntary student fees are not subject to chapter 28B.15, there is *no* authority for the Board of Trustees or anyone within the administration of CWU to exercise any dominion or control over those fees. Other “fees” are subject to control by the Trustees (*see, e.g.*, RCW 28B.15.045, concerning S & A fees). Since the voluntary student fees are excluded, they are not subject to any control by CWU.

In my opinion, CWU, and its Trustees collect and hold the voluntary student fees in *trust* for the benefit of the students. It would be a trust created at common law, in the absence of a specific trust instrument or statutory direction. That is, the law will construe the creation of a trust. If so, the money collected is a trust fund, the Board of Trustees are the “trustees” of the trust fund, the students are the beneficiaries of the trust, the trust may be used only for the purposes identified by the students when the fee or fees were created, and only the students or their student government (*i.e.* the Board of Directors) may change the way in which the fees may be use.

It is further my opinion that any use of voluntary student fees that is not authorized by the students *as directed by RCW 28B.15.610* would constitute a breach of the fiduciary duties of the trustees to the beneficiaries. I would do additional research before I would definitively state that is the case and before I could definitively describe any remedy that might be available in the event it does constitute a breach of a common law trust.

Generally speaking, the circumstances suggest that the beneficiaries, or any of them, should be able to maintain a legal action to first, declare that a trust exists, second, to require an accounting of the use of the trust funds, and third, to restrain any improper use of the trust funds and to require that misappropriated trust funds be repaid to the trust.

As I note above, this constitutes an informal opinion only. I offer it in response to your question but I do not represent the Board of Directors. I offer this opinion based solely on the statutory language, and on my knowledge of common law trusts. I would suggest that research be undertaken before any action of the sort I describe in the preceding paragraph is undertaken.

***Appendix B***

15 April 2014

To whom it may concern:

At the Associated Students of Central Washington University’s Board of Directors public meeting on April 14, 2014, the Board discussed the proposed changes to the Multi-modal fee. Collectively we recognize that this is not an ideal way to pay for the online academic support programs that students, staff, and faculty have come to rely upon, but it is necessary given the financial situation of University. Under better circumstances we would prefer that these online programs and services were paid for out of tuition revenue as we believe they are a core academic function of the University. However, we do appreciate the desire to pursue equity in spreading the cost of these programs across a greater number of students who utilize the services, and the willingness of the Administration to work with us to find an amenable solution minimizing the financial impact on the majority of students at CWU. In that regards we formally state our support for the implementation of the changes to the Multi-modal fee as long as the fee does not exceed $5 per student per course for courses that are classified as “web presence.” Thank you for your time and your consideration of our position.

Sincerely,

Bryan Elliott

ASCWU-BOD President

***Appendix C***

15 April 2014

To whom it may concern:

At the Associated Students of Central Washington University’s Board of Directors public meeting on April 14, 2014, the Board discussed the Learning Commons and its funding request for the S&A Committee. Collectively we recognize that this is not an ideal way to pay for an academic support program such as tutoring that students across campus rely upon, but it is necessary given the financial situation of University. Under better circumstances we would prefer that these tutoring services were paid for out of tuition revenue as we believe they are a core academic function of the University. However, given the cuts the Learning Commons would experience if they did not secure funding for the 2014-2015 school year, and the important service that the Learning Commons provides for students at Central, the Board feels that it is crucial to fully support this program. In that regards we formally state our support for the full funding of the Learning Commons S&A request for the 2014-2015 academic year. Thank you for your time and your consideration of our position.

Sincerely,

Bryan Elliott

ASCWU-BOD President

1. Because you asked me for a speedy response, I have not undertaken extensive research. I am relying on the language of the statutes I have looked at and on general rules of statutory construction. I also discuss some general principles that would apply to voluntary student fees, in my opinion. [↑](#footnote-ref-1)