

MINUTES  
Board of Regents  
November 22, 2013

The Board of Regents of Washington State University met pursuant to call in Open Meeting at 8:00 a.m., on Friday, November 22, 2013 in the Nursing Building, Room 205, Spokane, Washington.

Present: Regent Connie Niva, Chair; Regents, Ted Baseler, Scott Carson, T. Ryan Durkan, Francois Forgette, Laura Jennings (via phone), Lindsey Schaffer, Ron Sims and Michael Worth; President Elson S. Floyd, and Interim Provost and Executive Vice President Daniel J. Bernardo.

**1. Report from the Chair of the Board of Regents.** Regent Niva welcomed everyone to the meeting. She said that since the last Regents' Meeting, the Regents have participated in a variety of WSU activities including the celebration for Dr. Glenn Terrell in Pullman; the Visitor Center Building Dedication in Pullman; ARCS Convocation in Seattle and the Regents' Distinguished Alumnus Award Presentation in Pullman.

**2. Report from the President of the University.** President Floyd thanked the Board for the opportunity to report. He thanked Chancellor Brown for hosting the Board on the Spokane Campus.

He reported that over the last several weeks he has spent a significant amount of time in Washington DC representing not only WSU as part of the Association of Public Land-grant Universities (APLU), but also to have conversations with legislators and others in Washington DC about the impact of the sequester.

He said in FY2013 the sequester meant a 5 percent reduction for most government agencies, many of them primary funders of higher education research and extension programs. He said the National Institutes of Health lost \$1.55 billion in the budget cuts; the US Department of Agriculture lost \$2 billion. He said that those research and extension programs directly support people and businesses through services, and science-based innovation. He said without a budget agreement, these cuts will be even deeper.

President Floyd provided examples of cuts impacting WSU:

—The College of Agricultural, Human, and Natural Resource Sciences experienced a \$3.8 million cut as a result of the sequester and the delay in reauthorizing the Farm Bill. He said they were able to pull together some one-time funds to help bridge to the current fiscal year, in hopes those cuts would be restored. Since they were not restored, important food and nutrition programs aimed at helping low-income populations in the

state have been eliminated. He said eliminating the program resulted in the loss of jobs as well as the services those jobs provided.

—The sequester cut funding for Small Business Development Centers (SBDC) around the country. As a result, several Small Business Development Centers WSU operates have been forced to close. He said these are centers specifically designed to prime the economic pump by helping entrepreneurs succeed in communities that most need economic development resources for small business. The SBDCs are revered in their communities for creating jobs and growing businesses. He added at this time, they have identified a small amount of funding to keep at least two offices open and are working with Congressional leaders for a permanent funding solution.

— On-going funding for the Clean Plant Network (CPN) – a facility focused on ensuring the security, health and vitality of the plant stock on which our food supply depends – is in question. Loss of the CPN would cause serious, long-term damage to our state and nation's food and agricultural industry. The food industry is Washington State's largest industry, and WSU is a key partner to that industry. Incremental cuts to this industry will have a crippling effect on our state's economy.

He said that finding bridge funding is not a sustainable model, and WSU will not be able to make those same accommodations next year. Nor will other institutions. He said ongoing fiscal uncertainty at the federal level hurts local and state economies – especially at a time when economic health is just beginning to improve. And, year after year of cuts will damage industries that rely on university research and an educated work force. He said in his opinion, the sequester and its relentless series of cuts is the biggest threat to WSU's national competitiveness.

Locally, President Floyd reported that the Visitor Center has received rave reviews from everyone who has gone into that particular space. He is grateful to the Brelsford family for their \$1 million contribution towards the cost of that building.

He said the Marriott Residence Inn broke ground this spring and will have 131 rooms of extended stay. Amenities will include conversation areas equipped with electronic support, business center, dining area, indoor swimming pool and spa, outdoor patio and fire pit, fitness center, and conference rooms comprising about 2,000 square feet. He said the Inn is scheduled for completion next spring. He also said that Marriott officials have begun conversations with students about employing them in that facility.

He said the new Pharmaceutical and Biomedical Sciences Building which the Regents' had an opportunity to briefly visit is an amazing facility. He said that people will start moving into their offices within the next few days and he looks forward to having a formal dedication ceremony Friday, December 6.

He said the new Wine Science Center in the Tri-Cities is targeted to be completed next fall. It will be 38,000 square feet and it will serve as a gateway to the Tri-Cities Research District. The design includes state of the art research laboratories, classrooms, conference rooms, and a regional and international wine library. He added that Washington's grape and wine industry aims to triple its annual economic impact from \$8.6 billion to \$25.8 billion by 2020. He said it is through this top flight research in teaching that WSU will be able to support that industry. He said the Wine Science Center is yet another example of strategically aligning WSU's strengths with the priorities of the state.

Lastly, President Floyd announced that on January 1, WSU will increase compensation of 4 percent for faculty, administrative professional staff, and professional graduate students. He added that there will be some merit based components for faculty which is an important piece.

**3. Minutes.** It was moved and seconded that the Board of Regents approve the minutes of the October 4, 2013, Board of Regents Meeting. Carried.

**4. Reports from University Groups.** Representative from each of the university groups—Faculty Senate, Administrative and Professional Advisory Council, Associated Students of Washington State University, the Associated Students of Washington State University Spokane, the Graduate and Professional Student Association, Foundation Board of Governors, and the WSU Alumni Association—reviewed their reports as submitted. *(Individual written reports may be found online at the Board of Regents website or requested from the President's Office.)*

**5. Focused Discussion – WSU Spokane.** Chancellor Brown provided an overview of WSU Spokane in the areas of enrollment, progress in 2013, and campus goals.

**6. Finance and Audit Committee.** Regent Worthy reported that the Committee received an update from Heather Lopez, Director, Internal Audit. He said they reviewed a future action on Phase 2 of the Northside Residence Hall. He said that there are several action items being brought before the board and he would like to go over each item as they are brought forward.

Regent Worthy reviewed each action before Board approval.

The Board took action on the following:

WSU Delegated Authority – Refunding Bonds. It was moved and seconded that the Board of Regents adopt Resolution #131122-465 delegating to the President or his designee the authority to issue refunding bonds when the refunding threshold provisions of the Debt Policy "Refinancing and Refunding Principles" are met or exceeded. Carried.

WSU Delegated Authority – Capital Project Threshold. It was moved and seconded that the Board of Regents adopt Resolution #131122-466 approving changes to the Regents' Delegation of Authority to the President or his designee as outlined in Exhibit A. Carried.

WSU North Puget Sound at Everett, Design and Pre-Construction with Land Acquisition. It was moved and seconded that the Board of Regents approve Resolution #131122-467 authorizing the WSU North Puget Sound at Everett project to proceed to design and pre-construction and delegating authority to the President or his designee to select a contractor and enter into any and all necessary contracts to complete the project with the budgeted amount of \$10 M. Carried.

WSU Pullman, Soccer Field Improvements, Design and Construction. It was moved and seconded that the Board of Regents approve Resolution #131122-468 approving the Soccer Field Improvements project with a total budget not to exceed \$2.4M, and authorizing the project to proceed to construction, and delegating authority to the President or his designee to select a contractor and enter into the necessary contracts to complete the project within the budgeted amount. Carried.

WSU Prosser, Agricultural Technology Building Addition, Design and Construction. It was moved and seconded that the Board of Regents approve Resolution #131122-469 approving the Agricultural Technology Building Addition project with a total budget not to exceed \$2.114M and authorizing the project to proceed to design and construction and delegating authority to the President or his designee to select a contractor and enter into the necessary contracts to complete the project within the budgeted amount. Carried.

WSU Prosser, Viticulture Building Addition, Design and Construction. It was moved and seconded that the Board of Regents approve Resolution #131122-470 approving the Viticulture Building Addition project with a total budget not to exceed \$2.792M and authorizing the project to proceed to design and construction, and delegating authority to the President or his designee to select a contractor and enter into the necessary contracts to complete the project within the budgeted amount. Carried.

WSU Pullman, Johnson Hall, Roof Replacement, Design and Construction. It was moved and seconded that the Board of Regents approve Resolution #131122-472 approving the Johnson Hall Roof Replacement project with a total budget not to exceed \$1.6M and authorizing the project to proceed to design and construction, and delegating authority to the President or his designee to enter

into the necessary contracts to complete the project within the budgeted amount. Carried.

WSU Pullman, Troy Hall Renovation, Design and Pre-Construction. It was moved and seconded that the Board of Regents approved Resolution #131122-473 authorizing the Troy Hall renovation to proceed to design and pre-construction, and delegating authority to the President or his designee to select a contractor and enter into the necessary contracts to commence the design and pre-construction for the project, with costs not to exceed the budgeted amount of \$2.021M. Carried.

**7. Academic and Student Affairs Committee Report.** Regent Jennings asked Regents Baseler to provide her report since she was connected via phone.

Regent Baseler reported the committee reviewed two action items and one information item. He said the information item involved a very informative conversation with three WWAMI second-year students from Spokane. He said they talked about their experience in Spokane and being a part of the WWAMI program. He added that the WWAMI students in Spokane like the opportunity to interact with other health science disciplines on the Spokane campus.

Regent Baseler reviewed each action item before Board approval.

The Board took action on the following:

ASWSU Global, Constitution and Bylaw Changes. It was moved and seconded that the Board of Regents approve the Global Campus Constitution as outlined in Exhibit B. Carried.

WSU Vancouver, WAC Addition, Health and Safety Regulations. It was moved and seconded that the Board of Regents adopt the addition of WAC Chapter 504-37, Health and Safety Regulations specific to WSU Vancouver as outlined in Exhibit C. Carried.

**8. External Affairs Committee Report.** Regent Durkan reported that the committee received a legislative update from Associate Vice President for Government Relations, Colleen Kerr, who highlighted some of the effects of the budget shutdown and sequestration.

She said that Ms. Kerr also gave an update on the state legislature, highlighting the senate makeup and leadership changes and also briefed the committee on the 2014 legislative agenda. She said the 2014 legislative agenda will focus on three topics—increased degree production; preserving public health and animal agriculture; and promoting viticulture as a business of wine in Washington.

Regent Durkan reported that Ralph Cavalieri, Associate Vice President for Alternative Energy, joined Ms. Kerr to provide an update on the FAA Alternative Jet Fuels and Environment Center for Excellence. Regent Durkan added that they heard about the wonderful accomplishment surrounding the Center of Excellence and looks forward to an update at a future meeting.

Regent Durkan reviewed the following action item before Board approval.

The Board took action on the following:

Revisions to WAC 504-45, Public Records. It was moved and seconded that the Board of Regents adopt the proposed amendment to WAC 504-45 as outlined in Exhibit D. Carried.

**9. Executive Session.** Regent Niva reported that the Regents convened in Executive Session, Thursday, November 22, at 4:00 pm, for the purpose of discussing with legal counsel litigation or potential litigation. She said as a result of that discussion, she recommends the following action.

Request for Defense of University Employee. It was moved and seconded that the Board of Regents approve Resolution #131122-474, approving defense for a former WSU employee. Carried.

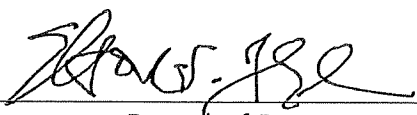
**10. Public Comment Period.** Mr. Rod Palmquist, Higher Education Coordinator for the Washington Federation of State Employees, provided public comment to the Regents regarding personnel matters.

**11. Adjournment.** In closing, Regent Niva announced that the next Regents' Meeting will be held January 23-24, at the Tri-cities Campus.

The meeting adjourned at 10:00 am.

Approved by the Board of Regents at its meeting held January 24, 2014, on the WSU Tri-Cities Campus, Consolidated Information Center 212-214.

  
Chair, Board of Regents

  
Secretary, Board of Regents

## ACTION ITEM #1

### WSU, Delegated Authority - Refunding Bonds (Elson Floyd)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU, Delegated Authority – Refunding Bonds

PROPOSED: That the Board of Regents delegate to the President or his designee the authority to issue refunding bonds when the refunding threshold provisions of the Debt Policy "Refinancing and Refunding Principles" are met or exceeded.

SUBMITTED BY: Elson S. Floyd, President

SUPPORTING  
INFORMATION: The following is from the Debt Management policy:

#### "REFINANCING AND REFUNDING PRINCIPLES"

Refinancing may be considered:

- If it relieves the University of covenants, payment obligations, constraints, or reserve requirements that limit flexibility;
- To consolidate debt into a general revenue pledge and/or reduce the cost and administrative burden of managing many small outstanding obligations, after demonstration of the proposed benefits; or
- If the net present value ("NPV") savings to the University exceeds minimum thresholds, when measured as a percentage of the par amount of debt to be refinanced, and the refinancing supports the strategic need of the University.

## Refunding Thresholds

- Current refunding (i.e. refinancing completed up to 90 days prior to the first call date for the bonds) may be considered when NPV savings are expected to meet the following thresholds:

Years Between Call Date	Present Value Standard
1-2	1%
3-4	2%
5-6	3%
7+	4%

- Advance refunding (i.e. refinancing completed more than 90 days prior to the first call date for the bonds) may be considered when NPV savings are expected to meet the following thresholds:

Years Between Call Date and Final Maturity Date	Present Value Standard
1-2	1%
3-4	2%
5-6	3%
7-8	4%
9+	5%

In order to respond to refunding opportunities as they arise, management requests the Board of Regents delegate authority to the president or his designee to refund bonds when the refunding threshold provisions of the Debt Policy "Refinancing and Refunding Principles" are met or exceeded. This will allow the University to refinance debt as market conditions allow.

Management will report such refundings and related cost savings as an informational item as part of the annual debt report. In addition, as part of the annual debt report, management will present a copy of the debt policy that contains the refunding thresholds so the Board of Regents may reaffirm the thresholds and the overall debt policy.



# Board of Regents

WSU, Delegated Authority - Refunding Bonds

## Resolution #131122-465

WHEREAS, the Board of Regents of Washington State University by virtue of RCW 28B.10.528 has authority to delegate by resolution to the President of the University, or designee, powers and duties vested in or imposed upon the Board by law and to enable the President, or designee to act on behalf of the Board of Regents in matters relating to the administration and governance of the University.

RESOLVED: That the Board of Regents delegate to the President or his designee the authority to issue refunding bonds when the refunding threshold provisions of the Debt Policy "Refinancing and Refunding Principles" are met or exceeded.

Dated this 22<sup>nd</sup> day of November, 2013.

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Chair, Board of Regents

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Secretary, Board of Regents

## ACTION ITEM #1

### Amendments to ASWSU Global Campus Constitution (Dave Cillay)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Amendments to the ASWSU Global Campus Constitution

PROPOSED: That the Board of Regents approve amendments to the ASWSU Global Campus Constitution.

SUBMITTED BY: Dave Cillay, Vice President Global Campus

SUPPORTING  
INFORMATION: Amendments to the ASWSU Global Campus constitution are being proposed primarily to update language to reflect the name change to Global Campus.

Many of the proposed amendments involve the removal of legacy terms such as Distance, Extended, and Online, to be replaced with terms that reference Global Campus.

Amendments are also proposed for Article IV, Section 6.A, which allows the ASWSU Global Campus President to develop the meeting calendar for the year; Article IV, Section 7. E (1), which removes the term "impeachment" in a section dealing with recall elections; and Article V, Sections 2 and 7, which are procedural alterations that allow the vice president to run for office on an independent ticket.

ATTACHMENT: Proposed Amendments to the Constitution of the ASWSU Global Campus (Red-line Version)

# Constitution

## Preamble

We, the students of Washington State University, seeking a degree through Extended Degree Programs Global Campus, in order to initiate and coordinate student activities in accordance with the purposes and objectives listed in the Associated Students of Washington State University's (ASWSU) *Articles of Incorporation*; to specifically represent the unique and particular interests, needs, and welfare of students in Washington State University Extended Degree Programs Global Campus on issues affecting student life; and to supplement and complement the formal education of these degree programs delivered at a distance, do affirm and establish this constitution.

Comment [BL1]: Change all Extended Degree Program references to Global Campus, as that is what we go by now.

## ARTICLE I: NAME

1. The name of this entity associated with ASWSU shall be the Associated Students of Washington State University Extended Degree Programs Global herein called ASWSU-DDPG.

Comment [BL2]: Change all ASWSU-DDP references to ASWSUG (Associated Students of Washington State University Global) as we are a part of Global Campus and not DDP anymore.

## ARTICLE II: AUTHORITIES AND POWERS

1. ASWSU-DDPG is organized as an entity associated with ASWSU and the exercise of its functions shall be consistent with the ASWSU *Articles of Incorporation*.
2. Authorities and powers of ASWSU-DDPG shall be exercised by the ASWSU-DDP-G Senate except that the ASWSU-DDPG President and Vice President shall have such powers as are enumerated in this constitution.

## ARTICLE III: MEMBERSHIP

1. All undergraduate and graduate students seeking a degree coordinated by Washington State University's (WSU) Extended Degree Programs Global Campus shall be members of ASWSU-DDPG, unless a student specifically petitions the President of ASWSU-DDPG that he or she not be a member. No student will be denied membership because of race, religion, sex, age, color, creed, national or ethnic origin, physical or mental disability, marital status, sexual orientation, or status as a Vietnam era or disabled veteran.

## ARTICLE IV: LEGISLATIVE BRANCH

1. The legislative power of ASWSU-DDPG shall be vested in the ASWSU-DDPG Senate, which shall be composed of a minimum of five Senators.
2. ASWSU-DDPG Senators must be members of ASWSU-DDPG, must be enrolled with WSU's Extended Degree Programs Global Campus for a minimum of three credits every semester during which they serve as a senator, except the summer semester, and must be in good academic standing with the University. Senators shall be elected in the annual general election.

3. ASWSU-~~DDPG~~ Senators shall hold office for a time period specified in the by-laws.
4. The Senate, as the legislative branch of ASWSU-~~DDPG~~, shall be the policy-making body of ASWSU-~~DDPG~~ and no act by the Executive branch or omission shall contravene expressed or implied Senate Policy.
5. The Senate shall have and exercise general powers and duties, specifically to include the following powers and duties:
  - a. To adopt and amend an ASWSU-~~DDPG~~ budget, pursuant to Article VII.
  - b. To authorize entry into contractual or financial relationships on behalf of ASWSU-~~DDPG~~.
  - c. To cause to have posted and to approve an annual financial statement.
  - d. To confirm, by majority consent of seated membership, ASWSU-~~DDPG~~ committee chairs.
  - e. To remove ASWSU-~~DDPG~~ committee chairs upon a two-thirds vote of the seated membership.
  - f. To ensure that elected and appointed ASWSU-~~DDPG~~ officials faithfully execute and abide by ASWSU-~~DDPG~~ policies.
  - g. To override a Presidential veto by a two-thirds (2/3) vote of the seated membership.
  - h. To impeach ASWSU-~~DDPG~~ officers, as provided in Article V, Section 7(Bb).

The Senate shall not delegate any of the powers specified in Article IV, Section 5(a) through (h) inclusive.

For the purposes of this Constitution, seated membership shall be the number of Senators holding office at any given time.

#### 6. Meetings

- a. The ASWSUG President shall establish a calendar of meetings within the first week of taking office to be presented to the senate for approval.
- ~~a. The Senate shall meet within the first week of each semester to establish a calendar of meetings.~~

**Comment [BL3]:** This change is being made because the Senate starts meeting well before the first week of school and a calendar of meetings is necessary at the beginning of the term (as state in the by-laws). This will help keep ASWSUG functioning smoothly throughout the summer.

(1). A quorum shall be two-thirds (2/3) of the seated membership of the Senate;

(2). All meetings shall be held in accordance with the Open Public Meetings Act, RCW 42.30 or successive statutes.

- b. The Chair of the Senate shall be the Vice President. In the absence of the Chair, the Senate Chair Pro-Tempore shall chair the Senate.

(1). The Chair Pro-Tempore shall be elected annually at the ~~second~~ first Senate meeting by a majority vote from the seated Senate membership.

**Comment [BL4]:** In the past few years we have found that electing the Chair Pro-Tempore works much better if done at the first meeting.

#### 7. Senators and Senators-Elect may be removed from office via the following recall process:

- a. Petitions calling for removal from office of a named ASWSU-~~DDPG~~ officer or officer-elect shall be signed by ten percent (10%) of the ASWSU-~~DDPG~~



membership and shall be submitted to the Senate Chair for verification handled in accordance with the ASWSU-~~DDPG~~ by-laws.

- b. Upon verification, the Senate shall set a reasonable date or dates for a recall election.
- c. A recall election shall require a 10 percent (10%) voter turnout of the ASWSU-~~DDPG~~ membership for validation.
- d. A simple majority affirmative vote shall be required for recall.
- e. Challenging a recall election:

(1). Should a named ASWSU-~~DDPG~~ Senator or Senator-Elect challenge a recall ~~or impeachment~~ proceeding, he or she shall temporarily vacate his or her office until the challenge is resolved.

**Comment [BL5]:** Remove "or impeachment" because this section is specifically referring to a recall election. Article V, Section 7(d) 1. discusses vacating office during an impeachment proceeding.

#### 8. Vacancies

- a. Should a Senate vacancy occur, the President and Vice President shall submit, within thirty (30) calendar days of the occurrence of the vacancy, a recommendation for one (1) nominee for the vacancy. At the next scheduled Senate meeting, the Senate by plurality vote of seated membership may accept or reject the candidate to fill the vacancy or request another recommendation within thirty (30) calendar days.

(1). Should the President and Vice President fail to comply with clause (a), the Senate may confirm by a two-thirds (2/3) vote of seated membership a nomination from the floor.

- b. Should more than two (2) vacancies simultaneously occur at any one time, a special election to fill the positions must be scheduled within a reasonable time period as defined in the by-laws.

### ARTICLE V: EXECUTIVE BRANCH

1. The executive power of ASWSU-~~DDPG~~ shall be vested in the Executive branch of ASWSU-~~DDPG~~. The Executive branch shall be composed of the ASWSU-~~DDPG~~ President and Vice President.
2. ~~members~~ Members of the Executive branch must be members of ASWSU-~~DDPG~~, must be enrolled with WSU's ~~Extended Degree Programs~~ Global Campus for at least three credits every semester during which they serve, except the summer semester, and must be in good academic standing with the University. The President ~~and Vice President~~ shall be elected in the annual general election.
3. ~~members~~ Members of the Executive branch shall hold office for a time period specified in the by-laws.
4. The ASWSU-~~DDPG~~ President shall be the chief executive officer of ASWSU-~~DDPG~~. The President shall have and exercise general powers and duties, specifically to include the following powers and duties:

- a. To preside over all meetings of the general membership of ASWSU-~~DDPG~~.

**Comment [BL6]:** This will allow a person to run for ASWSU Vice President as a separate ticket during election time (just like the ASWSUG President runs). This will ensure that the Vice President is elected prior to Student Government Council (SGC) transition meeting. It is important that ASWSUG has full representation at this meeting in order to start forming relationships with other SGC members right away. This is something that has been lacking in the past.

- b. To appoint ASWSU-~~DDPG~~ Committee chairpersons, subject to the consent of the Senate.
- c. To remove all presidential appointees.
- d. To break any Senate votes that are tied and to veto any acts and confirmations of the Senate except resolutions, Senate vacancy appointments, and referenda, and provide written notification of such vetoes to the Senate Chair within a reasonable number days of the Senate action.
- e. To post and maintain, with the assistance of the Vice President, a schedule of regular office hours throughout their terms of office.

The President shall have other powers and duties as may be prescribed by the Senate and the ASWSU-~~DDPG~~ by-laws.

- 5. The Chair of the Senate shall also serve as the ASWSU-~~DDPG~~ Vice President and shall have and exercise the following powers and duties:
  - a. To have oversight responsibilities for ASWSU-~~DDPG~~ Committees within the policies established by the Senate.
  - b. To exercise such power and authority as may be delegated by the President except those powers and duties enumerated in Article V, Section 4 (a) through (e).
  - c. To assume and execute all the powers and duties of the President should the President be absent or unable to perform his or her obligations.
  - d. To post and maintain, in conjunction with the President, a schedule of regular office hours throughout their terms of office.

The Vice President shall have other powers and duties as may be prescribed by the Senate and the ASWSU-~~DDPG~~ by-laws.

- 6. The interests and affairs of ASWSU-~~DDPG~~ shall be managed jointly by the President and Vice President/Senate Chair during the summer session, consistent with any Senate directives.
- 7. The President, Vice President, ~~or~~ President-Elect, or Vice President-Elect may be removed from office via the following processes:
  - a. The recall process shall be the same as provided for in Article IV, Section 7, (a) through (e).
  - b. The impeachment process:

**Comment [BL7]:** This change is being made to stay consistent with allowing the Vice President to run as a separate ticket (a change noted in Article V Section 2).

(1). ASWSU-~~DDPG~~ officers may be impeached for failure to reasonably and properly execute their powers and duties.

(2). A two-thirds (2/3) affirmative vote of the seated membership of the ASWSU-~~DDPG~~ Senate shall be required to bring impeachment proceedings against ASWSU-~~DDPG~~ officers.

(3). The Chair of the Judicial Committee shall preside over the impeachment proceedings, which shall commence within ten (10) school days after the Senate vote to bring impeachment proceedings.

(4). A two-thirds (2/3) affirmative vote of the seated membership of the ASWSU-~~DDPG~~ Senate shall be required to impeach an ASWSU-~~DDPG~~ Executive Officer.

c. Vacancies

(1). Should the office of President become vacant, the Vice President shall become President.

(2). Should the office of Vice President become vacant, the Senate shall elect a Vice President/Senate Chair from its membership for the remaining term.

(3). Should both offices become simultaneously vacant, the Senate shall elect a President Pro-Tempore from its membership and shall schedule an election within a reasonable time period to fill the vacancies.

(4). This section [Article V, section 7 (c)] shall also apply to vacancies in the Presidential-Elect office.

d. Challenges to Recall and Impeachment

(1). Should a named ASWSU-~~DDPG~~ Executive Officer challenge a recall proceeding or impeachment proceeding, he or she shall temporarily vacate his or her office until the challenge is resolved.

#### ARTICLE VI: ELECTIONS

1. The annual ASWSU-~~DDPG~~ election shall be the tenth week (~~amended 10/2011~~) of the spring semester, except that the dates may be changed because of extenuating circumstances upon a three-quarter (3/4) vote of the seated Senate.
2. Campaign Expenditure Limitations
  - a. The total amount all candidates for ASWSU-~~DDPG~~ offices may spend on their election is to be specified in the ASWSU-~~DDPG~~ by-laws.
  - b. Disclosures of all expenditures made by a candidate shall be reported and accompanied by an itemized report.
3. Voting
  - a. members of ASWSU-~~DDPG~~ may vote on ASWSU-~~DDPG~~ issues and for presidential and senatorial candidates any semester they are enrolled with Extended Degree Programs Global Campus.

#### ARTICLE VII: FINANCE

1. The annual ASWSU-~~DDPG~~ budget proposal shall be recommended to the Senate by the Treasurer before its submission to ASWSU S&A Fees Committee.

#### ARTICLE VIII: REFERENDUM AND INITIATIVE



1. The Senate, upon two-thirds (2/3) majority vote of the seated membership, may submit to the membership of ASWSU-~~DDPG~~ any measure that it determines to be of substantial student interest, whereupon a vote of the membership of ASWSU-~~DDPG~~ shall be promptly scheduled for thirty (30) calendar days.
2. Upon petition of five percent (5%) of the membership of ASWSU-~~DDPG~~, an initiative shall be submitted to the membership of ASWSU-~~DDPG~~ for a vote within thirty (30) calendar days.
3. Initiatives and Referenda shall carry the same weight as Senate legislation.

#### ARTICLE IX: AMENDMENTS

1. Proposed amendments to and revisions of this Constitution ~~or the by-laws~~ shall be presented to the members of ASWSU-~~DDPG~~ for approval upon a two-thirds (2/3) affirmative vote of the seated membership of the Senate or upon petition of at least ten percent (10%) of ASWSU-~~DDPG~~ members. Proposed amendments to the Constitution shall also be presented to the Board of Regents.
2. Proposed amendments and revisions that are to be presented to the members of ASWSU-~~DDPG~~ for approval shall be publicized in a reasonable manner and for a reasonable period of time before action by the membership of ASWSU-~~DDPG~~.
3. This Constitution may be amended or revised by a majority vote of ballots cast on the proposed modification at any regular ASWSU-~~DDPG~~ election or special election called for that purpose, provided however, that a minimum of fifteen percent (15%) of ASWSU-~~DDPG~~ members vote in either type of election.

Comment [BL8]: Remove "or the by-laws" from the first sentence as it contradicts Article XI: By-Laws.

#### ARTICLE X: PARLIAMENTARY AUTHORITY

1. *Robert's Rules of Order, Newly Revised* (1980, ed.), or successor editions, shall be the recognized authority for procedure not covered by this Constitution and by-laws.

#### ARTICLE XI: BY-LAWS

1. By-laws shall be adopted by a two-thirds (2/3) vote of the seated membership of the Senate.

#### ARTICLE XII: COMPLIANCE

1. The ASWSU-~~EPDG~~ complies with the Open Public Meetings Act, RCW 42.50.
2. There shall be a Judicial Committee of three (3) members whose duties and responsibilities are defined in the by-laws.
3. No actions may be taken under this Constitution or the ASWSU-~~DDPG~~ by-laws that is in violation of State or Federal Law.



## ACTION ITEM #2

### WSU Vancouver, Addition of WAC Chapter 504-37 Health and Safety Regulations Specific to WSU Vancouver (Mel Netzhammer)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Vancouver, Addition of WAC Chapter 504-37, Health and Safety Regulations Specific to WSU Vancouver

PROPOSED: That the Board of Regents adopt the addition of WAC Chapter 504-37 addressed in the attached summary of proposed changes.

SUBMITTED BY: Mel Netzhammer, Chancellor, WSU Vancouver

SUPPORTING  
INFORMATION:

The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504-37 concerns implementation of a smoking and tobacco free WSU Vancouver campus. The proposed amendments have been published in the Washington State Register, Volume WSR 13-17-099, at <http://public.wsu.edu/~forms/ProposedWAC.html>. The proposed amendment is a WAC addition to create a Tobacco/Smoke Free campus at WSU Vancouver. A detailed summary of the proposed WAC 504-37 is attached.

This document supports a request for placement as a future action item. The Office of Procedures, Records, and Forms held a public hearing at 4:00 PM on October 3, 2013, at the French Administration Building room 448J in Pullman as well as via video link with a live moderator at the Engineering and Computer Science Building (VECS) room 105 on the Vancouver campus to solicit public comments regarding the amendments. The hearing was held and advertised in accordance with RCW 34.05.325(4). No comments were received, oral or written, from the public regarding this proposal.

Attachments: Proposed WAC Chapter 504-34 (Vancouver Campus, Tobacco/Smoke Free Campus)

**Summary of Proposed Changes to WAC Chapter 504-37**  
**(Vancouver Campus, Tobacco/Smoke Free Campus)**

**NEW CHAPTER**

**WAC 504-37** Health and safety regulations specific to WSU Vancouver

**NEW SECTION**

**WAC 504-37-010** Smoking and tobacco use -Authority

- States that pursuant to RCW 28B.30.150 (1), WSU board of regents is granted authority to establish rules and regulations for tobacco use on university property

**NEW SETION**

**WAC 504-37-020** Smoking and tobacco products

- Acknowledges findings from the US surgeon general that tobacco use in any form is harmful to health.
- Acknowledges that per the US environmental protection agency, environmental tobacco smoke is a class A carcinogen
- Establishes restrictions in this section WAC 504-37-010, WAC 504-37-030 collectively referred to as the WSU Vancouver smoking and tobacco use policy.
  - (1) Smoking or other tobacco use is not permitted within the perimeter of WSU Vancouver property,
  - (2) The WSU Vancouver smoking and tobacco policy applies to all students, staff, faculty, or other persons using university facilities
  - (3) The WSU Vancouver smoking and tobacco policy is not intended to impede IRB research projects. IRB research projects are exempt from this policy
  - (4) Defines the terms "tobacco products", and "premises" for the purposes of this chapter.
  - (5) Restricts sale and distribution of tobacco products on university property
  - (6) Prohibits tobacco-promoting organizations from sponsoring campus events.
  - (7) Prohibits advertising of tobacco products at campus events regardless of sponsorship
  - (8) Describes disciplinary action and consequences of violating policy specific to students, staff, and visitors
  - (9) Describes signs advertising a tobacco-free campus and placement on campus

**NEW SECTION**

**WAC 504-37-030** Smoking and tobacco use-communication and compliance

- (1) Identifies that enforcement of regulations in these sections is the responsibility of WSU Vancouver Public Safety with assistance from all members of the WSU Vancouver community.
- (1) Identifies departments primarily responsible for ensuring the WSU Vancouver smoking and tobacco policy is communicated to employees, students, visitors and others
  - (a) Human resources regarding employees
  - (b) Student affairs regarding students
  - (c) Department leads regarding contractors and other visitors
  - (d) Communications and scheduling offices for events with external visitors
  - (e) Facilities operations for outside contractors and vendors working on campus
  - (f) Public Safety regarding campus visitors

- (g) Chancellor's office regarding partner institutions
- (2) Listed responsible departments and persons may establish procedures and protocols consistent with each other to eliminate tobacco use from campus, increase compliance, and assist tobacco users in availing themselves of tobacco dependency treatment options.
- (3) Specifies consequences for repeatedly violating this policy and authorizes Public Safety to control and regulate facilities use as prescribed by this policy
- (4) Any person interfering with a university public safety officer in the discharge of the WSU Vancouver smoking and tobacco use policy may be in violation of WSU Vancouver policy and state law (RCW)

Chapter 504-37 WAC  
HEALTH AND SAFETY REGULATIONS SPECIFIC TO WASHINGTON STATE UNIVERSITY  
(WSU) VANCOUVER

NEW SECTION

WAC 504-37-010 Smoking and tobacco use-Authority. Pursuant to RCW 28B.30.150(1), the Washington State University (WSU) board of regents is granted authority to establish rules and regulations for tobacco use on property owned, operated, and/or maintained by the university.

NEW SECTION

WAC 504-37-020 Smoking and tobacco products. Washington State University Vancouver acknowledges the findings of the United States Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. The university further recognizes that the United States Environmental Protection Agency classifies environmental tobacco smoke as a class A carcinogen. In light of these health risks, and in support of a safe and healthy learning/working environment, WSU Vancouver establishes the restrictions in this section, WAC 504-37-010, and 504-37-030, otherwise collectively referred to as the WSU Vancouver smoking and tobacco use policy.

(1) Smoking or other tobacco usage is not permitted within the perimeter of WSU Vancouver property. Smoking materials must be extinguished and disposed of prior to entering WSU Vancouver property or exiting vehicles. Improper disposal, including spitting smokeless tobacco or discarding cigarette butts on the ground or out of a vehicle, is not permitted.

(2) The WSU Vancouver smoking and tobacco use policy applies to all students, faculty, and staff or other persons using university facilities.

(3) The WSU Vancouver smoking and tobacco use policy is not intended to impede on institutional review board (IRB) research projects. IRB-approved research projects are exempt from this policy.

(4) Definitions. For the purposes of this chapter, the terms "tobacco products" and "premises" are defined as follows:

(a) Tobacco products. Cigarettes, cigars, pipes, hookah, all forms of smokeless tobacco, electronic cigarettes, clove cigarettes and other alternative products made primarily with tobacco.

(b) Premises. All buildings, grounds, state-owned vehicles and equipment (motor pool, maintenance) including, but not limited to, parking lots, bus stops, county-owned and WSU-maintained streets or sidewalks, recreational fields and all open common areas within the WSU Vancouver campus.

(5) The sale and/or free distribution of tobacco products or tobacco-related merchandise is prohibited on university property.

(6) Sponsorship of campus events by tobacco-promoting organizations is prohibited.

(7) Advertisement of tobacco products at university events is prohibited regardless of sponsorship.

(8) Tobacco use on university property or improper disposal of smoking materials may result in disciplinary action. Employees may be subject to corrective or disciplinary action and students may be referred to the WSU Vancouver office of student conduct. Other violators may be trespassed from the WSU Vancouver campus and subject to other sanctions available to enforce the smoking and tobacco use policy.

(9) Signage: Signs declaring WSU Vancouver "tobacco-free" are to be posted at the campus entries and other conspicuous places.

#### NEW SECTION

WAC 504-37-030 Smoking and tobacco use—Communication and compliance. (1) The enforcement of the smoking and tobacco use rules and regulations in this section, WAC 504-37-010 and 504-37-020 is the responsibility of campus public safety personnel with the assistance of all members of the WSU Vancouver community. Members of the WSU Vancouver community may notify public safety of repeat offenders and/or of disruptive behavior. The following WSU Vancouver persons and departments are responsible for ensuring that the WSU Vancouver smoking and tobacco use policy is communicated to employees, students, visitors and others in the WSU Vancouver community as indicated:

- (a) Human resources regarding employees;
- (b) Student affairs regarding students;
- (c) Department leads regarding contractors and other visitors;
- (d) Communications and scheduling offices for events with external visitors;
- (e) Facilities operations for outside contractors and vendors working on campus;
- (f) Public safety regarding campus visitors;
- (g) Chancellor's office regarding partner institutions.

(2) Each of the above responsible persons and departments may establish procedures and protocols, consistent with each other and the WSU Vancouver smoking and tobacco use policy, designed to eliminate tobacco use from campus, increase compliance, and assist tobacco users in availing themselves of tobacco dependency treatment options.

(3) Any person who repeatedly violates the WSU Vancouver smoking and tobacco use policy may be asked to leave the premises and/or may be removed and subject to trespass admonition. Employees may be subject to corrective or disciplinary action and students may be subject to student conduct action. Public safety officers are authorized to control, and regulate facilities use as prescribed by this policy.

(4) Any person interfering with a university public safety officer in the discharge of the WSU Vancouver smoking and tobacco use policy may be in violation of WSU Vancouver policy and state law (RCW).

## **ACTION ITEM #1**

### **Amendments to WAC 504-45 – Public Records (Kathy Barnard)**

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Amendments to WAC 504-45 – Public Records

PROPOSED: That the Board of Regents adopt proposed amendments  
to WAC 504-45

SUBMITTED BY: Kathy Barnard, Executive Director, University Communications

SUPPORTING  
INFORMATION: The Board of Regents has authority pursuant to Chapter 28B.30  
RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules  
published in the Washington Administrative Code.

WAC 504-45 concerns rules related to public records. The  
proposed amendments to these rules includes a new section  
regarding electronic records, adds information regarding scanned  
images, and specifies that a requester must provide his or her  
personal name when requesting records. It also includes minor  
housekeeping edits.

Notice of the proposed amendments was published in the  
Washington State Register on August 21, 2013, and a public  
hearing on these amendments was held on September 26, 2013.  
There were no public comments submitted at the hearing.

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-020 Agency description-Contact information-Public records officer.** (1) Washington State University is an institution of higher education, authority for which is located in chapter 28B.30 RCW. The administrative offices of the university are located at the university's main campus at Pullman, Washington. Regional campuses are located in Spokane, Tri-Cities, and Vancouver, Washington. Agricultural research centers are located at Mt. Vernon, Prosser, Puyallup, Vancouver and Wenatchee, Washington. Cooperative extension offices are maintained in the county seats of all counties in the state. (~~The Interecollegiate College of Nursing is located in Spokane, Washington. Learning Centers are located in Longview, Aberdeen, Goldendale, Wenatchee, Port Hadlock, Tacoma, Mt. Vernon, Yakima and Walla Walla, Washington.~~) The university also has operations offices in Seattle and Olympia, Washington.

(2) Any person wishing to request access to public records of the university, or seeking assistance in making such a request should contact the university's public records (~~officer~~) office located at the Pullman administrative offices. Current contact information and additional information regarding release of public records can be found on the university web site at <http://www.wsu.edu>.

(3) The public records officer will oversee compliance with the act but another university staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the university will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the university.

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-030 Availability of public records.** (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the university. For the purposes of this chapter, the normal business hours for the public records office shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding the university's holidays and scheduled and emergency closure periods. Records must be inspected at the offices of the university.

(2) Index of records. An index of final orders, declaratory orders, interpretive statements, and policy statements entered after June 30, 1990, is available at the office of the university's rules coordinator at the Pullman campus. The university will post links to many of these records on its web site at <http://www.wsu.edu>.

(3) Organization of records. The university will maintain its records in a reasonably organized manner. The university will take reasonable actions to protect records from damage and disorganization. A requestor shall not take university records from university offices without the permission of the public records officer or designee. Cer-

tain records are available on the university web site at [www.wsu.edu](http://www.wsu.edu). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the university should make the request in writing on the university's request form, or by letter, fax, or e-mail addressed to the public records officer ~~((and including))~~ or designee. The following information must be included in the request:

(i) Name of ~~((requestor))~~ the person requesting records;

(ii) Mailing address of requestor;

(iii) Other contact information, including telephone number and any e-mail address;

(iv) Identification of the public records adequate for the public records officer or designee to locate the records; and

(v) The date of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to RCW 42.56.120, standard photocopies will be provided at a rate of no more than fifteen cents per page. The university may charge the current approved rate for scanned images of paper records if images are requested. A requestor may refer to the university web site at <http://www.wsu.edu> for current rates.

(c) A form is available for use by requestors at the ~~((office of the))~~ public records ~~((office))~~ office and on the university's web site at <http://www.wsu.edu>.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-040 Processing of public records requests-General.** (1) Providing "fullest assistance." The university is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with the essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available;



(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone, e-mail or mail. Based upon that clarification, the public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Consequences of failure to respond. If the university does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer or designee to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the university believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, the university shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the university to copy.

(b) The requestor must claim or review the assembled records within thirty days of the university's notification to him or her that the records are available for inspection or copying. The university will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the university to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the university may close the request. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) Providing copies of records. After inspection is complete, the public records officer or designee shall make any copies of records requested by the requestor or arrange for copying.

(8) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments,

the public records officer or designee may stop searching for the remaining records and close the request.

(9) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the university has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the university has closed the request.

(11) Later discovered documents. If, after the university has informed the requestor that it has provided all available records, the university becomes aware of additional responsible documents existing at the time of the request, it will promptly inform the requestor of the additional documents and will make them available for inspection or provide copies upon payment on an expedited basis.

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

WAC 504-45-050 ((Reserved-)) Processing of public records requests-Electronic records. (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. When a requestor requests records in an electronic format, the public records officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.

(3) Customized access to data bases. With the consent of the requestor, the university may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The university may charge a fee consistent with RCW 43.41A.130 for such customized access.

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

WAC 504-45-070 Costs of providing copies of public records. (1) Costs for ((paper)) copies of paper records. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page or scanned images at the current approved rate per image. Before beginning to make the copies or images, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee

nee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The university will not charge sales tax when it makes copies of public records. The university may charge actual costs for special arrangements necessary for providing copies of records when required by the requestor, e.g., costs of color copying.

(2) Costs of mailing. The university may also charge actual costs of mailing, including the cost of the shipping container.

(3) Payment. Payment may be made by cash, check or money order to the university.

