The Faculty Senate was called to order by Frances McSweeney, Chair, on Thursday, October 26, 2000, in FSHN, T101, at 3:30 p.m. Forty-eight (48) members were present, thirty (30) members were absent with four (4) vacancies. Six (6) non-voting members were present.

Minutes of October 12, 2000 Meeting were approved as circulated.

Announcements (Information Items).

1. Faculty Senate officers met with the Provost on October 11, 2000.
2. Faculty Senate officers met with President Rawlins on October 16, 2000.
3. WSU hosted the meeting of the Council of Faculty Representatives on October 13, 2000. Matt Carroll and Bill Cofer represented WSU at this meeting.
4. Minor Change Bulletin #1 is in Exhibit B as follows:

   **MEMORANDUM**
   TO: Deans and Chairs
   FROM: Becky Bitter, Assistant Registrar
   DATE: 18 October 2000
   SUBJECT: Minor Change Bulletin No. 1

   The courses listed below reflect the minor curricular changes approved by the catalog editor since approval of the last Minor Change Bulletin. All changes are underlined. Deletions are crossed out. The column to the far right indicates the date each change becomes effective.

   **Ag Ec 360**  **Introduction to Agribusiness Management** 3 Prereq Ag Ec 201 or Econ 101. Product combinations, resource allocations, personnel, finance, and related problems in the operations of small and large agribusiness firms. Cooperative course taught jointly by WSU and UI (AGEC 391).
   8-00

   **Ag Ec 411**  **Applied Operations Research Techniques in Agricultural Economics** 3 Prereq Ag Ec 201 and Math 201, 202. Stat course. Linear programming, transportation models, simulation, and inventory models.
   8-00

   **C E 524**  **Geotechnical Earthquake Engineering** 3 Prereq C E 529, c// in C E 527. Faulting and seismicity; site response analysis; influence of soil on ground shaking; soil liquefaction; probabilistic seismic hazard assessment; seismic earth pressures, seismic slope stability. Cooperative course taught by WSU, open to UI students (CE 566).
   1-01

   **E E 304**  **Introduction to Electrical Circuits** 2 Prereq Math 172, Physics 202 Math 315 or c//. Basic DC and AC circuits.
   8-00

   **Econ 592**  **Managerial Economics for Decision Making** 3 Prereq Econ 101, 102; Math 202. Optimal economic decision making for business in a global environment. Not available for credit for economic graduate students.
   1-01

   **Entom 477**  **Insect-Plant Interactions: Population Dynamics** 1
drop
   8-00
<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Prerequisites</th>
<th>Credits</th>
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<tbody>
<tr>
<td>Entom 478</td>
<td>Physiological Ecology of Insects 1</td>
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<tr>
<td>Entom 479</td>
<td>Natural History of Insects 1</td>
<td></td>
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<tr>
<td>Entom 577</td>
<td>Insect-Plant Interactions: Community Dynamics 1</td>
<td></td>
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<tr>
<td>Entom 578</td>
<td>Physiological Ecology of Insects 1</td>
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<td>Entom 579</td>
<td>Natural History of Insects 1</td>
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<td>8-00</td>
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<tr>
<td>FSHN 302</td>
<td>Meat and Poultry Products 3</td>
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<td>8-00</td>
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<tr>
<td>FSHN 435</td>
<td>Medical Nutrition Therapy 3</td>
<td>Prereq FSHN 350, 430 or c//. Nutrition principles applied to pathological conditions in people.</td>
<td>8-00</td>
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<tr>
<td>FSHN 475</td>
<td>Supervised Practice in Dietetics I</td>
<td></td>
<td>8-01</td>
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<tr>
<td>FSHN 480</td>
<td>Management in Food Service Systems II</td>
<td>Prereq Acctg 230; FSHN 120, 380; HA 358. Management theories, human resources, communication, financial planning, marketing, and quality control, and equipment in food service systems.</td>
<td>8-00</td>
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<tr>
<td>FSHN 582</td>
<td>Food Process Engineering Design 3</td>
<td>Same as BSysE 582.</td>
<td>8-00</td>
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<td>(587)</td>
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<tr>
<td>FSHN 583</td>
<td>Advances in Cereal Science and Technology 2</td>
<td></td>
<td>8-00</td>
</tr>
<tr>
<td>Geol 356</td>
<td>Igneous Petrology 3</td>
<td>(2-3) Prereq c// in Geol 351. Origin, evolution, and eruption of magmas; emphasizes mineralogy, textures, chemical composition, and physical form of igneous rock. Field trip required.</td>
<td>8-00</td>
</tr>
<tr>
<td>Mus 258</td>
<td>Introduction to Jazz Improvisation 2</td>
<td>Prereq Mus 257. May be repeated for credit; cumulative maximum 4 hours. Introduction to jazz improvisation.</td>
<td>8-00</td>
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<tr>
<td>Mus 440</td>
<td>Jazz Combos 1</td>
<td>(0-4) May be repeated for credit; cumulative maximum 8 hours. By audition only. Prereq Mus 258. Public performances each semester.</td>
<td>8-00</td>
</tr>
<tr>
<td>NATRS 461</td>
<td>Management of Aquatic Ecosystems Limnology and Aquatic Ecosystem Management 3</td>
<td>(2-3) Prereq Bio S 102 or Bot 120; Chem 101. Introduction to the science and management of aquatic ecosystems, emphasizing lakes.</td>
<td>8-01</td>
</tr>
<tr>
<td>Neuro 495</td>
<td>Directed Research V 1</td>
<td>(0-3) to 3 (0-9) Prereq Neuro 301. May be repeated for credit. Introduction to neuroscience laboratory research and literature. For Neuroscience certified majors only.</td>
<td>8-01</td>
</tr>
<tr>
<td>Neuro 499</td>
<td>Special Problems V 1-4</td>
<td>May be repeated for credit. S, F grading. For Neuroscience certified majors only.</td>
<td>8-01</td>
</tr>
<tr>
<td>PL P 551</td>
<td>Diseases of Plants 4</td>
<td>(3-3) Prereq Pl P 429 or 529. Principles of plant disease epidemiology, control and ecology of pathogens. Cooperative course taught by WSU, open to UI students (PISc 506).</td>
<td>1-02</td>
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<tr>
<td>P/T 505</td>
<td>Principles and Methods of Toxicology 3</td>
<td>Prereq BC/BP 563 or c//. Basic concepts in mammalian toxicology and the methodology currently employed for toxicological investigations. Cooperative course taught by WSU, open to UI students (FST 505).</td>
<td>1-01</td>
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<tr>
<td>P/T 506</td>
<td>Principles of Pharmacology 1</td>
<td>(1) Prereq BC/BP 563 or c//. Fundamental Mechanisms of drug action and the factors that modify drug responses. Overview of all areas of pharmacology. Drug design and drug development. Cooperative course taught by WSU, open to UI students (FST 506).</td>
<td>1-01</td>
</tr>
</tbody>
</table>
PharP 450  Peer Health Advocacy Wellness and Preventive Medicine 3 By interview only. Principles and techniques of health education and advocacy preventive medicine.

PharP 456  Peer Health Lab I Early Practice Experience I 1 (0-3) Prereq PharP 450. Continued Practical experience to introduce which introduces knowledge and skills related to patient education, disease management, and medical self-care. For Pharm.D. students only. S, F grading.

PharP 457  Peer Health Lab II Early Practice Experience II 1 (0-3) Prereq PharP 450, 456. Second part early. Continued practical experience to introduce in using knowledge and skills related to patient education, disease management, and medical self-care as well as one-on-one mentoring of other students. For Pharm.D. students only. S, F grading.

PharP 533  Pediatric Pharmacotherapy 2 1 Prereq 553P or c//. Pharmacotherapy of pediatric medicine.

PharP 542P Wellness and Health Promotion Nonprescription/Herbal Products 3 Prereq PharP 541P, 553P, 558P. Health needs and problems of distinct populations; prevention, early detection, and treatment of health problems. Pharmacotherapy of nonprescription medications and herbal products.

PharP 553P  Advanced Therapeutics I Pharmacotherapy II 5 Prereq 552P, PharS 543P. Series of modules that provide the foundation of pathophysiology and treatment of various diseases.

PharP 554P  Advanced Therapeutics II Pharmacotherapy III 5 Prereq 552P, PharS 543P. Series of modules that provide the foundation of pathophysiology and treatment of various diseases.

PharS 542P  Pharmacological Basis of Therapeutics III 6 4 Prereq PharS 541P. Structure activity relationship, mechanism of action, medication-related effects, therapeutic uses, adverse reactions, and drug interactions; and pharmacodynamics of antimicrobial, chemotherapeutics, peripheral nervous system, and cardiovascular medications.

PharS 543P  Pharmacological Basis of Therapeutics IV 6 4 Prereq PharS 542P. Structure activity relationship, mechanism of action, medication-related effects, therapeutic uses, adverse reactions, and drug interactions; and pharmacodynamics of anti inflammatory, antiasthmatic, gastrointestinal, endocrine and central nervous system, bone mineralization, antidiabetic, and hormonal medications.

PharS 545P  Quality Improvement Total Quality Management 1 Prereq PharP 531P, PharS 533P. A survey of quality improvement programs in the pharmaceutical industry and pharmacy practice.
Psypch 455 | [S] Human Values 3
---|---
T & L 320 | Elementary Reading Methods 3 Prereq certified education major, T & L 301, c// in 307, c// in 385. Teaching methods, and materials and content for teaching reading in elementary school reading.
T & L 352 | Teaching Elementary Mathematics 3 Prereq certified education major, Math 251, 252; T & L 301, c// in T & L 306, c// in 371. Teaching methods, and materials and content for teaching mathematics in elementary and middle school mathematics.
T & L 371 | Teaching Elementary Science 3 Prereq certified education major, science GERs; T & L 301, c// in 306, c// in 352. Teaching methods, and materials and content in elementary and middle school science.
T & L 390 | Integrating Fine Arts into K-8 Curriculum 2 Prereq certified education major; T & L 301 or c//. Integrating the range of fine arts (art, music, dance, drama) into K-8 curriculum. Designed for preservice and inservice general, K-8 teachers.
T & L 403 | Social Foundations of Curriculum 2-3 2 Prereq certified education major; T & L 301, 315/316, or 317/318. The school; historical, and philosophical foundations of education; school law.
T & L 483 | Integrating Health & Fitness into K-8 Curriculum 3 Prereq certified education major. Integrating the range of health and fitness concepts into K-8 curriculum. Designed for preservice and inservice general, K-8 teachers.

B. Reports.


McSweeney introduced Ron Hopkins, Interim Provost. Hopkins stated he was pleased to be able to address the Senate. Hopkins reported that the search for Director of Libraries will be starting soon with Karen DePauw heading the search; the search committee for Vice President for Student Affairs is considering what candidates to bring to campus; and the Provost’s search will start soon. Hopkins stated the University is emphasizing quality in the biennial budget request and the first priority is faculty salaries. The second major item in the budget request is instructional quality and research. WSU is requesting money for an Urban 4-H initiative which will not only strengthen Coop Extension but is should yield more college bound students from underrepresented urban groups. There is also a request for money for computer lab replacement. Every budget area will have to develop a spending plan for the coming year arranged from a 97% to 110% of the base budget of the unit excluding raises. This will allow for reallocation for new initiatives if the budget increases are small and to look at competing priorities without threatening the budget base of small units. There will be budget hearings that will include Senate representation at the end of the planning process. After the hearings the Executive Budget Committee will prepare and circulate a draft of the spending plan for comment. After an appropriate comment period there will be opportunity for revision and then the budget will be finalized and approved. Hopkins reported on the planning process taking place at WSU. It is intended to identify directions and areas of focus for the University as a whole and to guide future budget developments. The structure includes the Strategic Planning Oversight Committee (SPOC) and nine design teams. SPOC will coordinate the planning activities of the major units and oversee the planning for cross cutting activities. This group will also
develop a University wide strategic plan that will be influenced by the planning of the colleges. The group is working on a mission and value statement and a communication plan. The members of the design teams are expected to represent the entire university rather than a specific constituency. Hopkins reported that the Integrated Marketing Strategy is a process ongoing in parallel with the planning effort to try and improve and coordinate the marketing strategies of the University. WSU spends a lot of money on image and still has an image problem we need improvement. We have no consistent marketing approach. Hopkins stated that by next spring the marketing efforts should begin to produce results for WSU.

2. Remarks by the Chair.—F. McSweeney

McSweeney stated that the legislature is about to consider a bill that would allow enabling legislation. McSweeney stated the Senate discussed this very bill last year. The consensus then was we were in favor of enabling legislation but we were not in favor of this particular bill. McSweeney turned the meeting over to Matt Carroll and Greg Russell to discuss this bill.

3. Report from Legislative Representatives M. Carroll on Collective Bargaining bill

Exhibit C is as follows:

The following is a memo from Wendy Rader-Konofalski from the Washington Federation of Teachers. This is the organization that is proposing this legislation.

Dear Barbara,

Thank you very much for your message. And thank you for the invitation to have an open discussion about the bill on November 9th. We will certainly be there for that.

At the moment, there have been no changes to the bill from last year. But insofar as there may be room for improvement, we will certainly be open to making positive changes. The UW faculty senate has said they may have some principles to share with us that they would like incorporated into the bill which we will share, then, with our local Eastern and Central unions. So, for the time being, we are all working off of the same draft which is last year's bill.

Last year's bill was created from previous versions--much based on an early version drafted by Bob Edie when he was staff for the legislature. Marv Schurke, the Executive Director of the Public Employee Relations Board, advised the WFT and WEA in preparing last year's version. Marv Schurke's agency is the body that administers all public employee collective bargaining laws and he is also the person to whom the state looks for the technical explanations of provisions in such laws.

The bill was prepared with three goals in mind: to be as simple and streamlined as possible, to be as uncompromised as possible, and to contain as much boilerplate language from the National Labor Relations Board as possible. The latter is necessary to keep the initial fiscal note from PERC at a minimum. In November of last year the bill, with a cover letter explaining the criteria used, was sent to our two locals at Eastern and Central for their perusal and input well before passing the final version onto the legislature.
We can talk more about that on the 9th. I hope that in the interests of coming to a good, clear consensus about the bill and what people feel comfortable with, we can all develop a sense of trust.

Sincerely,

Wendy Rader-Konofalski

Copy of H-3214.3/00 3rd draft by LL:ads provided to Wendy Rader-Konofalski on 11/15/99.

AN ACT Relating to labor-relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. It is the purpose of this chapter to promote cooperative efforts between employees and the boards of regents or boards of trustees of the four-year institutions of higher education in the state of Washington by prescribing certain rights and obligations of the employees and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter-

(1) "Collective bargaining" and "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith, subject to section 9 of this act, in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment.

(2) "Commission" means the public employment relations commission established under RCW 41.58.010.

(3) "Confidential employee" means: (a) A person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, if the role of the person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and (b) a person who assists and acts in a confidential capacity to a person in (a) of this subsection.

(4) "Employee" means any employee of an employer, except the chief executive or administrative officers of the institution of higher education, confidential employees, supervisors, and employees subject to chapter 41.06 or 41.56 RCW- An individual is not excluded from the coverage of this chapter solely because the person is both a student within the institution of higher education and an employee.

(5) "Employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate and that exists for the purpose in whole or in part, of collective bargaining with employers.

(6) "Employer" means the board of regents or board of trustees of each institution of higher education and includes any officer, board, commission, council, or other person or body acting on behalf of an employer.
(7) "Exclusive bargaining representative" means any employee organization that has: been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit.

(8) "Institution of higher education" means the University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, The Evergreen State College, and any other public four-year degree-granting institution.

(9) "Person" means one or more individuals, labor organizations, partnerships, associations, corporations, employers, or legal representatives.

(10) "Supervisor" means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, lay off, recall, suspend, discipline, or discharge peers, or to recommend effectively such action, if the exercise of the authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. An employee is not includable as a supervisor solely by reason of his or her membership as a faculty tenure or other governance committee or body or because of being a department chair or head. The term "supervisor" includes only those persons who perform a preponderance of the acts of authority specified in this subsection.

(11) "Unfair labor practice" means an unfair labor practice listed in section 11 of this act.

(12) "Union security provision" means a provision in a collective-bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee established by the exclusive bargaining representative at an amount not greater than the periodic dues and initiation fees uniformly required as condition of acquiring or retaining membership in the exclusive bargaining representative.

NEW SECTION. Sec. 3. The boards of regents and boards of trustees of the institutions of higher education as defined in section 2 of this act may engage in collective bargaining with the exclusive bargaining representatives of their employees, as provided in this chapter.

NEW SECTION. Sec. 4. Employees have the right to self organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter.

NEW SECTION. Sec. 5. (1) Upon the voluntary written authorization of a bargaining unit employee, the employer shall deduct from the pay of the employee the periodic dues and initiation fees uniformly required as condition of acquiring or retaining membership in the exclusive bargaining representative. The employee authorization may be irrevocable for up to one year. Such dues and fees shall be transmitted monthly by the employer to the exclusive bargaining representative or to the depository designated by the exclusive bargaining representative.
(2) A collective bargaining agreement may include union security provisions, but not a closed shop. The employer shall enforce any union security provision by monthly deductions from the pay of all bargaining unit employees affected by the collective bargaining agreement and shall transmit the funds to the exclusive bargaining representative or to the depository designated by the exclusive bargaining representative.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which the employee is a member shall, as a condition of employment, make alternative payments to a nonreligious charity designated by agreement of the employee and the exclusive bargaining representative. The amount of the alternative payment shall be equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The employee shall furnish written proof that the payments have been made. If the employee and the exclusive bargaining representative do not reach agreement on the matter, the dispute shall be submitted to the commission for determination.

NEW SECTION. Sec. 6. In any dispute concerning the unit appropriate for collective bargaining or the allocation of employees or positions to bargaining units, the commission, after a hearing or hearings, shall determine the dispute, taking into consideration the duties, skills, and working conditions of the employees, the extent of organization among the employees, the community of interest among the employees, the desire of the employees, and the overall management structure of the employer including the interrelationships of divisions within the institution. Unnecessary fragmentation shall be avoided.

NEW SECTION. Sec. 7. (1) The employee organization that has been designated by the majority of the employees in an appropriate bargaining unit as their representative for the purposes of collective bargaining shall be the exclusive bargaining representative of, and shall be required to represent, all the employees within the bargaining unit without regard to membership in that employee organization: PROVIDED, That any employee may at any time present his or her complaints or concerns to the employer and have such complaints or concerns adjusted without intervention of the exclusive bargaining representative, as long as the exclusive bargaining representative has been given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.

(2) The commission shall resolve any dispute concerning selection of a bargaining representative in accordance with the procedures specified in this section.

(a) No question concerning representation may be raised within one year following a certification or attempted certification.

(b) No question concerning representation may be raised within one year following an election or cross-check in which the employees failed to designate an exclusive bargaining representative.

(c) If there is a valid collective bargaining agreement in effect, no question concerning representation may be raised except during the period not more than ninety nor less than sixty days before the expiration date of the agreement. If a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for more than three years, then a question concerning representation may
be raised not more than ninety nor less than sixty days before the third anniversary date or any subsequent anniversary date of the agreement; if the exclusive bargaining representative is removed as the result of the procedure, the collective bargaining agreement shall be deemed to be terminated as of the date of the certification or the anniversary date following the filing of the petition, whichever is later.

(d) An employee organization seeking certification as exclusive bargaining representative of a bargaining unit of employees, or bargaining unit employees seeking decertification of an exclusive bargaining representative, shall make a confidential showing to the commission of credible evidence demonstrating that at least thirty percent of the employees in the bargaining unit are in support of the petition. The petition shall indicate the name, address, and telephone number of any employee organization known to claim an interest in the bargaining unit.

(e) A petition filed by an employer shall be supported by credible evidence demonstrating the basis on which the employer claims the existence of a question concerning the representation of its employees.

(f) Any employee organization that makes a confidential showing to the commission of credible evidence demonstrating that it has the support of at least ten percent of the employees in the bargaining unit involved may intervene in proceedings under this section and have its name listed as a choice on the ballot in an election conducted by the commission.

(g) The commission shall determine any question concerning representation by conducting a secret ballot election among the employees in the bargaining unit. However, if the commission determines that a serious unfair labor practice has been committed that interfered with the election process and precludes the holding of a fair election, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(h) The representation election ballot shall contain a choice for each employee organization qualifying under (d) or (f) of this subsection, together with a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast. If there are three or more choices on the ballot and none of the choices receives a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest numbers of votes.

(i) Representation that exists on the effective date of this section shall not be disturbed.

NEW SECTION. Sec. 8. In determining whether a person is acting as an agent of another person so as to make such other person responsible for his or her acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

NEW SECTION. Sec. 9. (1) The commission shall broadly construe the scope of bargaining.

(2) Services and activities fees as defined in RCW 28B. 15.041 shall not be a subject for bargaining.

(3) A written contract incorporating any agreements reached shall be executed if requested by either party.

(4) The obligation to bargain does not compel either party to agree to a proposal or to make a concession.
(5) In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

NEW SECTION. Sec. 10. (1) The commission shall adopt rules as necessary and appropriate to administer this chapter, consistent with the best standards of labor-management relations.

   (2) The rules, precedents, and practices of the national labor relations board, if consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and before the adoption of any commission rules.

NEW SECTION. Sec. 11 (1) It is an unfair labor practice for an employer:

   (a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

   (b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. An employer may permit employees to confer with it or its representatives or agents during working hours without loss of time or pay;

   (c) To encourage or, discourage, membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment, but this subsection does not prevent an employer from requiring, as a condition of continued employment, payment of the periodic dues and initiation fees uniformly required to an exclusive bargaining representative under section 5 of this act;

   (d) To discharge or discriminate otherwise against an employee because the employee has filed charges or given testimony under this chapter or

   (e) To refuse to bargain collectively with the exclusive bargaining representative of its employees.

   (2) It is an unfair labor practice for an employee organization or its agents:

   (a) To restrain or coerce: (i) Employees in the exercise of the rights guaranteed in section 4 of this act, but this does not impair the right of an employee organization to prescribe its own rules for the acquisition or retention of membership in the organization; or (ii) an employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

   (b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than the failure of the employee to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

   (c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter; or

   (d) To refuse to bargain collectively with the employer of employees for whom it is the exclusive bargaining representative.

   (3) The expression of any views, argument, or opinion, or the dissemination of those views, argument, or opinion to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if the expression contains no threat of reprisal or force or promise of benefit.
NEW SECTION. Sec. 12. (1) The commission may prevent any person from engaging in any unfair labor practice. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity, or otherwise.

(2) A complaint charging unfair labor practices shall be filed within six months following the act or event complained of or discovery of such act or event complained of, whichever is later.

(3) The person or persons named as respondent in a complaint charging unfair labor practices may file an answer to the complaint and appear in person or otherwise give testimony at the place and time set by the commission for hearing.

(4) If the commission determines that a person has engaged in or is engaging in any unfair labor practice, then the commission shall issue and cause to be served upon the person an order requiring the person to cease and desist from the unfair labor practice and to take such affirmative action as will effectuate the purposes and policy of this chapter, including the reinstatement of employees with back pay.

(5) The commission may petition the superior court of the county in which the main office of the employer is located or where the person who has engaged or is engaging in the unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. Sec. 13. If any provision of any collective bargaining agreement between the employer and the exclusive bargaining representative requires legislative implementation or an appropriation, the employer and the exclusive bargaining representative shall seek the appropriate legislative action actively and in good faith.

NEW SECTION. Sec. 14. Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of the collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with the effective date as established by this subsection.

NEW SECTION. Sec. 15. (1) The commission, through the executive director, may offer its mediation services in any labor dispute involving an employer and an exclusive bargaining representative, either upon its own motion or upon the request of one or more of the parties to the dispute, if in its judgment the dispute threatens to cause a substantial disruption to the public welfare.

(2) A person designated as a mediator in a labor dispute under this section shall meet with the representatives of the parties, either jointly or separately, and shall take other steps as he or she deems appropriate to persuade the parties to resolve their differences. A mediator does not have power of compulsion.

The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. This section shall not be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.
NEW SECTION. Sec. 16. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement shall include in the agreement procedures for binding arbitration of the disputes arising about the interpretation or application of the agreement.

NEW SECTION. Sec. 17. Except as otherwise expressly provided in this chapter, nothing in this chapter may be construed to annul, modify, or preclude the renewal or continuation of any lawful agreement entered into before the effective date of this section between an employer and an employee organization covering wages, hours, and terms and conditions of employment. If there is a conflict between any collective bargaining agreement and any resolution, rule, policy, or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 18. Except as otherwise expressly provided in this chapter, this chapter does not deny or otherwise abridge any rights, privileges, or benefits granted by law to employees.

NEW SECTION. Sec. 19. This chapter does not interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution of higher education.

NEW SECTION. Sec. 20. Sections 1 through 19 and 22 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This act takes effect October 1, 2000. The public employment relations commission may immediately take such steps as are necessary to insure that this act is implemented on its effective date.

--- END---

Document 35 of 79.
§ 3562. Definitions

As used in this chapter:

(a) "Arbitration" means a method of resolving a rights dispute under which the parties to a controversy must accept the award of a third party.

(b) "Board" means the Public Employment Relations Board established pursuant to Section 3513.

(c) "Certified organization" means an employee organization which has been certified by the board as the exclusive representative of the employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3573).

(d) "Confidential employee" means any employee who is required to develop or present management positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of those management positions.

(e) "Employee" or "higher education employee" means any employee of the Regents of the University of California, the Directors of Hastings College of the Law, or the Trustees of the California State University. However, managerial and confidential employees and employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees shall be excluded from coverage under this chapter. The board may find student employees whose employment is contingent on their status as students are employees only if the services they provide are unrelated to their educational objectives, or, that those educational objectives are subordinate to the services they perform and that coverage under this chapter would further the purposes of this chapter.

(f)(1) "Employee organization" means any organization of any kind in which higher education employees participate and which exists for the purpose, in whole or in part, of dealing with higher education employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees. An organization that represents one or more employees whose principal worksite is located outside the State of California is an employee organization only if it has filed with the board and with the employer a statement agreeing, in consideration of obtaining the benefits of status as an employee organization pursuant to this chapter, to submit to the jurisdiction of the board. The board shall promulgate the form of the statement.

(2) "Employee organization" shall also include any person that an employee organization authorizes to act on its behalf. An academic senate, or other similar academic bodies, or divisions thereof, shall not be considered employee organizations for the purposes of this chapter.

(g) "Employer" or "higher education employer" means the Regents in the case of the University of California, the Directors in the case of Hastings College of the Law, and the trustees in the case of the California State University, including any person acting as an agent of an employer.
(h) "Employer representative" means any person or persons authorized to act in behalf of the employer.

(i) "Exclusive representative" means any recognized or certified employee organization or person it authorizes to act on its behalf.

(j) "Impasse" means that the parties have reached a point in meeting and conferring at which their differences in positions are such that further meetings would be futile.

(k) "Managerial employee" means any employee having significant responsibilities for formulating or administering policies and programs. No employee or group of employees shall be deemed to be managerial employees solely because the employee or group of employees participates in decisions with respect to courses, curriculum, personnel and other matters of educational policy. A department chair or head of a similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

(l) "Mediation" means the efforts of a third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse.

(m) "Meet and confer" means the performance of the mutual obligation of the higher education employer and the exclusive representative of its employees to meet at reasonable times and to confer in good faith with respect to matters within the scope of representation and to endeavor to reach agreement on matters within the scope of representation. The process shall include adequate time for the resolution of impasses. If agreement is reached between representatives of the higher education employer and the exclusive representative, they shall jointly prepare a written memorandum of the understanding, which shall be presented to the higher education employer for concurrence. However, these obligations shall not compel either party to agree to any proposal or require the making of a concession.

(n) "Person" means one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(o) "Professional employee" means:

1) Any employee engaged in work: (A) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (B) involving the consistent exercise of discretion and judgment in its performance; (C) of a character so that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (D) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

2) Any employee who: (A) has completed the courses of specialized intellectual instruction and study described in subparagraph (D) of paragraph (1), and (B) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional employee as defined in paragraph (1).

(p) "Recognized organization" means an employee organization which has been recognized by an employer as the exclusive representative of the employees in an appropriate unit pursuant to Article 5 (commencing with Section 3573).

(q)(1) For purposes of the University of California only, "scope of representation" means, and is limited to, wages, hours of employment, and other terms and conditions of employment. The scope of representation shall not include any of the following:
(A) Consideration of the merits, necessity, or organization of any service, activity, or program established by law or resolution of the regents or the directors, except for the terms and conditions of employment of employees who may be affected thereby.

(B) The amount of any fees which are not a term or condition of employment.

(C) Admission requirements for students, conditions for the award of certificates and degrees to students, and the content and supervision of courses, curricula, and research programs, as those terms are intended by the standing orders of the regents or the directors.

(D) Procedures and policies to be used for the appointment, promotion, and tenure of members of the academic senate, the procedures to be used for the evaluation of the members of the academic senate, and the procedures for processing grievances of members of the academic senate. The exclusive representative of members of the academic senate shall have the right to consult and be consulted on matters excluded from the scope of representation pursuant to this subparagraph. If the academic senate determines that any matter in this subparagraph should be within the scope of representation, or if any matter in this subparagraph is withdrawn from the responsibility of the academic senate, the matter shall be within the scope of representation.

(2) All matters not within the scope of representation are reserved to the employer and may not be subject to meeting and conferring, provided that nothing herein may be construed to limit the right of the employer to consult with any employees or employee organization on any matter outside the scope of representation.

(r)(1) For purposes of the California State University only, "scope of representation" means, and is limited to, wages, hours of employment, and other terms and conditions of employment. The scope of representation shall not include:

(A) Consideration of the merits, necessity, or organization of any service, activity, or program established by statute or regulations adopted by the trustees, except for the terms and conditions of employment of employees who may be affected thereby.

(B) The amount of any student fees which are not a term or condition of employment.

(C) Admission requirements for students, conditions for the award of certificates and degrees to students, and the content and conduct of courses, curricula, and research programs.

(D) Criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees, which shall be the joint responsibility of the academic senate and the trustees. The exclusive representative shall have the right to consult and be consulted on matters excluded from the scope of representation pursuant to this subparagraph. If the trustees withdraw any matter in this subparagraph from the responsibility of the academic senate, the matter shall be within the scope of representation.

(E) The amount of rental rates for housing charged to California State University employees.

(2) All matters not within the scope of representation are reserved to the employer and may not be subject to meeting and conferring, provided that nothing herein may be construed to limit the right of the employer to consult with any employees or employee organization on any matter outside the scope of representation.
NOTES OF DECISIONS

(f), part of the Higher Education Employer-Employee Relations Act, does not preclude "housestaff" (medical interns, residents and clinical fellows participating in residency programs at university facilities) from being considered "employees" under the act. The statute provides in pertinent part that the Public Employment Relations Board may find student employees whose employment is contingent on their services as students are employees only if their educational objectives are subordinate to the services they perform and that coverage under the act would further the act's purposes. Although the statute is silent on the subject of house staff, it leaves open the possibility that such persons may come within it. The board must determine in each case whether the student's educational objectives are subordinate to the services they perform. Even if the board finds that the student's motivation for accepting employment was primarily educational, it must look further, to the services actually performed, to determine whether the educational objectives take a back seat to the service obligations. Regents of University of California v Public Employment Relations Bd. (1986) 41 Cal 3d 601, 224 Cal Rptr 631, 715 P2d 590, 121 BNA LRRM 3437 The Public Employment Relations Board properly determined that "housestaff" (medical interns, residents, and clinical fellows participating in residency programs at university facilities) were employees within the meaning of Gov. Code, § 3562, subd. (f), a part of the Higher Education Employer-Employee Relations Act (Gov. Code, § 3560 et seq.), and thus entitled to collective bargaining rights, where substantial evidence supported the board's finding that educational objectives were subordinate to the services performed by the housestaff and that granting collective bargaining rights to them would further the purposes of the act. The fact that housestaff obtained an educational benefit from providing direct patient-care services did not mean those services were subordinate to educational objectives. Granting housestaff collective bargaining rights would further the purposes of the act by enabling them to participate fully in the determination of employment conditions which affected them. Regents of University of California v Public Employment Relations Bd. (1986) 41 Cal 3d 601, 224 Cal Rptr 631, 715 P2d 590.

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Carroll stated that WSU would not be alone in talking about quality in the upcoming legislative session. Carroll stated the same group that sponsored this bill last year is sponsoring it again this year. Russell stated that this bill is designed intentionally to put a wedge between employer and employee. The way this act reads is that each department or unit could be a separate bargaining unit. That can create an argument among faculty over who is in which bargaining unit. Russell stated it makes things very difficult when you have many different bargaining units.

Additions or Changes to the Agenda.

It was moved to pull Discussion Item 3 from the agenda at the request of AAC. Seconded Motion carried The amended agenda was approved.
Agenda Items (Action Items)

1. Recommendation from Academic Affairs Committee for Undergraduate and Professional Major Change Bulletin #1 Exhibit E from 10/12/00 Agenda is as follows:

**UNDERGRADUATE AND PROFESSIONAL MAJOR CHANGE BULLETIN NO. 1**

**Fall 2000**

The requirements and courses listed below reflect the undergraduate major curricular changes approved by the Catalog Subcommittee since approval of the last Undergraduate Major Change Bulletin. All new and changed courses are printed in their entirety. New and dropped courses are identified under the course prefix and number. Other changes are underlined. The column to the far right indicates the date each change becomes effective.

<table>
<thead>
<tr>
<th>Prefix</th>
<th>Course Number</th>
<th>New or Drop</th>
<th>Description</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag Ec</td>
<td>420</td>
<td>new</td>
<td>[T] Growth and Change in the American West 3 Prereq Ag Ec 201 or Econ 101. American West development showing how the geography and culture of the West have interacted with technical, economic and institutional change to shape the western economy.</td>
<td>8-00</td>
</tr>
<tr>
<td>Anth</td>
<td>101</td>
<td></td>
<td>[S, K] General Anthropology 3 Major subfields of anthropology; physical (human evolution and race), cultural-social, archaeology, and linguistics.</td>
<td>1-01</td>
</tr>
<tr>
<td>CAC</td>
<td>105</td>
<td>new</td>
<td>[S, D] Realizing Justice in a Multi-Cultural Society 3 Same as Crm J 105.</td>
<td>1-01</td>
</tr>
<tr>
<td>CAC</td>
<td>298</td>
<td>new</td>
<td>[S, D] History of Women in American Society 3 Same as Hist 298</td>
<td>8-00</td>
</tr>
<tr>
<td>CAC</td>
<td>457</td>
<td></td>
<td>[T, D] Chicano/Latino Psychology 3 Prereq CoPsy 525, Psych 552, or by interview only. Psych 105, EdPsy 401, Soc 101, H D 101, or interview with instructor. Examination of the current psychological research and literature relevant to the psychological well being of chicano/latino populations. Credit not granted for both CAC 457 and CoPsy 557.</td>
<td>5-00</td>
</tr>
<tr>
<td>CoPsy</td>
<td>457</td>
<td></td>
<td>[T, D] Chicano/Latino Psychology 3 Same as CAC 457.</td>
<td>5-00</td>
</tr>
<tr>
<td>Crm J</td>
<td>105</td>
<td>new</td>
<td>[S, D] Realizing Justice in a Multi-Cultural Society 3 Critical analyses of policies related to cultural changes tied to race, class, gender, immigration, and sexual orientation.</td>
<td>1-01</td>
</tr>
<tr>
<td>Engl</td>
<td>325</td>
<td>new</td>
<td>Young Adult Literature 3 Issues in literature written for young adults and strategies for teaching the genre in secondary schools.</td>
<td>1-01</td>
</tr>
<tr>
<td>Hist</td>
<td>298</td>
<td></td>
<td>[S, D] History of Women in American Society 3 The roles of women—social, economic, political—in American history from colonial times to the present.</td>
<td>8-00</td>
</tr>
<tr>
<td>ID</td>
<td>new</td>
<td>Course Title</td>
<td>Credits</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>---------------------------------------------------</td>
<td>---------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>ID 250</td>
<td>new [H] History of Interiors I 3 A survey of interior environments, spatial distributions, furnishings, and related design elements from ancient Egypt to the 18th century.</td>
<td>1-01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ID 350</td>
<td>new [H] History of Interiors II 3 A survey of interior environments, spatial distributions, furnishings, and related design elements in the 19th and 20th centuries.</td>
<td>5-01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 201</td>
<td>new Network and Operating System Essentials 2 8-00 Introduction to network, operating systems, and the technologies that support them; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 202</td>
<td>new Implementing and Supporting Windows 2000 3 8-00 Installation, configuration, and management of Windows 2000 Professional and Server; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 203</td>
<td>new Implementing Network Infrastructure 3 8-00 Installation, configuration, and management of network services within Windows 2000 networks; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 204</td>
<td>new Implementing Directory Services 3 Installation, configuration, and management of Windows 2000 Directory Services; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 205</td>
<td>new Designing Network Infrastructure 3 Designing network infrastructures using Windows 2000 technologies; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 206</td>
<td>new Designing Directory Services 2 Designing directory services using Windows 2000; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 207</td>
<td>new Designing Secure Networks 3 Designing secure networks using Windows 2000 technologies; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 208</td>
<td>new Updating Support Skills to 2000 3 Provides updated information for those already familiar with Windows NT 4.0 seeking Windows 2000 knowledge; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td>8-00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Course Code</td>
<td>Course Title</td>
<td>Description</td>
<td></td>
<td></td>
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<tr>
<td>------------</td>
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<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 209</td>
<td>Internet Information Server</td>
<td>2 Various features of MS Internet Information Server and Web hosting; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 210</td>
<td>MS FrontPage</td>
<td>2 Practical and logical web design using MS Front Page; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 220</td>
<td>Oracle Operator</td>
<td>3 Extensive introduction to Oracle dataversion technology; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIS 221</td>
<td>Introduction to ORACLE SQL and PL/SQL</td>
<td>3 Using Oracle to manage relational and object-oriented databases; course may not be used to satisfy specific course requirements for the Bachelor of Arts in Business Administration. S, F grading.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mus 262</td>
<td>Rock Music: History and Social Analysis</td>
<td>3 History and analysis of Rock Music related to its African-American origins, its societal role, its diverse development and impact.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soc 102</td>
<td>Social Problems</td>
<td>3 The structure of social institutions and cultural factors that constitute threats to society (crime, poverty, discrimination, drugs, family violence).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soc 343</td>
<td>Sociology of Professions and Occupations</td>
<td>3 Social organization of work in America including historical and contemporary trends, bureaucracy, gender/racial inequality, technological affects, work/family relations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SoilS 490</td>
<td>Composting</td>
<td>4 2 Composting industry, including biology, methods, benefits, management, regulations, and environmental concerns.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Univ 490</td>
<td>McNair Preparation for Graduate School</td>
<td>1 May be repeated for credit; cumulative maximum 2 hours. Prereq junior standing. Course to prepare McNair Scholars and others for graduate study. S, F grading. No credit earned toward degree; not qualified for financial aid.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W St 105</td>
<td>Realizing Justice in a Multi-Cultural Society</td>
<td>3 Same as Crm J 105.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W St 298</td>
<td>History of Women in American Society</td>
<td>3 8-00 Same as Hist 298.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Motion carried.
Agenda Items (Discussion Items)

1. Recommendation from Academic Affairs Committee for Undergraduate and Professional Major Change Bulletin #2 (Exhibit D).—S. Wherland

   How can we offer Japanese courses when it has been dropped? This is a one credit course taught by a native speaker and could be taught here.

2. Recommendation from Graduate Studies Committee for Graduate Major Change Bulletin #1 (Exhibit E).—H. Grimes

   There was no discussion of this item.

   This item was pulled from the agenda.

3. Referral from Academic Affairs Committee for review a Recommendation 18 from the General Education Review Committee on Tier III Courses (Exhibit F).—F. McSweeney

Constituents' Concerns.

Brigham stated a constituent called to complain about the lack of a printed Time Schedule, which won’t be available until Monday. The faculty member wanted to know why the delay. It was suggested the person could use the online version. Bitter stated that the time line was shorter this year because fall start was later then usual and Thanksgiving holiday is earlier this year. It was suggested the online version is more updated then what is printed.

What is happening with the consulting form? Those who did not consult do not have to fill out a form.

Adjournment.

Meeting adjourned at 5:00 p.m.

Thomas Brigham
Executive Secretary