



**the evergreen
state college**
olympia, washington

**SPECIAL MEETING OF THE BOARD OF TRUSTEES
OF THE EVERGREEN STATE COLLEGE**

October 27, 2017

Trustees Attending: Fred Goldberg
Irene Gonzales (phone)
Keith Kessler
David Nicandri
Anne Proffitt
Justin Puckett

Staff Present: George Bridges, President
John Carmichael, President's Chief of Staff and Secretary to the Board
Wendy Endress, Vice President for Student Affairs
Kelly Schrader, Assistant Director for Title IX & Prevention Education
Lori Johnson, Director of Student Conduct and Conflict Resolution
Ernest "Stone" Thomas, Senior Advisor to the President and Vice Presidents
Amanda Walker, Vice President for Advancement and Executive Director of
The Evergreen State College Foundation

Others Present: Rick Brady, Assistant Attorney General
Aileen Miller, Assistant Attorney General

October 27, 2017

Mr. Goldberg called the special meeting to order at 3:30 p.m.. A quorum was present.

President's overview

President Bridges said that the college has published notice of its intent to revise the student conduct code and is collecting input prior to creating a proposed new conduct code. Faculty, staff, and students have provided extensive input. The staff members who have been working on this process will share with the Trustees their current thinking, solicit the Board's input, and later publish a proposed new conduct code. When the proposed rule is published, another round of broad, community input will be sought before the new student conduct code is finalized.

Overview of rule-making

Assistant Attorney General Aileen Miller reviewed the rule making process, defined by the Washington State Administrative Procedures Act, which governs modifications to Evergreen's Student Conduct Code. The process requires notice of proposed rule-making, the filing of a proposed rule, a public hearing on the

proposed rule, and a concise explanatory statement to be filed with the final version of the rule. The college is currently in the first step: providing notice of proposed rule-making.

Review of preliminary draft

Vice President for Student Affairs Wendy Endress and Assistant Attorney General Rick Brady reviewed changes under consideration that may be included in the proposed draft. Dr. Endress noted several minor changes, including a change in the name of the rule, small changes to definitions, timelines, and other clarifications. She also reviewed several possible substantive changes including changes in the definitions of prohibited conduct including sexual misconduct and a definition of “consent.” She noted possible changes in the criteria for interim suspension and the addition of a brief adjudicative process for certain violations. Trustees asked about the how “reasonable” would be defined or operationalized, how allegations that hearing board members are biased would be handled, and about how the student conduct system intersects with criminal law. They also asked about standards for documentation, expulsion, and the definitions of cyber-misconduct.

Delegation of authority for rule-making

Motion 2017-21 Mr. Kessler moved to approve Resolution 2017-06 delegating to the president or the president’s designee the authority to develop and publish a final proposed rule revising the Student Conduct Code; and hold a rule-making hearing on the proposed rule; and reserving to the Board the authority to review and approve the final text of the rule prior to adoption.

The motion was seconded.

Motion 2017-22 Mr. Nicandri moved to amend the proposed resolution to read: Resolution 2017-06 delegating to the president or the president’s designee the authority to develop and publish a final proposed rule revising the Student Conduct Code; and hold a rule-making hearing on the proposed rule; and reserving to the Board the authority to review and approve the final text of the rule prior to adoption and at any rule-making hearing that this reservation be made clear.

Mr. Nicandri’s amendment was seconded and passed on a voice vote

The resolution as amended was passed on a voice vote.

Public Comment

Mr. Goldberg invited public comment. There was none.

Executive Session

Mr. Goldberg announced that the Board would move into executive session to discuss with legal counsel litigation or potential litigation. He said that the Board would return to an open meeting at 6:00 p.m. The executive session was extended by announcement to 6:15. The Board returned to an open meeting and adjourned.

Keith Kessler, Chair

Anne Proffitt, Secretary