

May 1, 2020

**BOARD OF REGENTS MEETING NOTICE**  
May 7-8, 2020

The Washington State University Board of Regents will hold its next official meetings on Thursday and Friday, May 7-8, 2020, in Pullman, Washington, pursuant to the schedule below.

Pursuant to Governor Inslee's Proclamation 20-28, Dated March 24, 2020, and to reduce risks related to Coronavirus, this meeting will be conducted by Zoom. Public listening and/or viewing is available via the following link and by phone at:

Online access: <https://wsu.zoom.us/j/97693482982>

Telephone access: dial 1-669-900-9128, enter code 976 9348 2982.

Schedules and agendas will be posted Friday, May 1, 2020.

Board of Regents committee meetings begin at 9:00 am Thursday, May 7, and will run as outlined below throughout the day; starting times following the 9:00 am committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the Board of Regents, and all members may participate.

**Thursday, May 7, 2020**

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8:30 am	Special Meeting of the Trustees/Shareholders of the Students Book Corporation
9:00 am	Executive and Governance Committee
9:15 am*	Research and Academic Affairs Committee
9:30 am*	Break
9:45 am*	Finance and Compliance Committee
10:00 am*	Strategic and Operational Excellence Committee

**Friday, May 8, 2020**

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9:00 am [Board of Regents Meeting](#)

Members of the public are invited to comment only during the Public Comment Period during the meeting of the full Board on May 8, 2020. Public access to the meeting will be limited to viewing and listening until the public comment period begins.

During the public comment period, members of the public planning to speak are asked to mute their microphones or telephones and to disable their cameras, unless they are called to the Public Comment Period, in order to prevent disruption to the meeting.

Sign up to provide public comment at the meeting of the Board on Friday, May 8, 2020, using the Request to Provide Public Comment form available at noon Friday, May 1, 2020.

This notice is being sent by the direction of the Chair of the Board of Regents pursuant to the

requirements of the Open Public Meetings Act, chapter 42.30 RCW.

Questions about the Board of Regents meeting and schedule may be directed to Desiree Jacobsen, Executive Assistant to the Board of Regents, 509-335-6662.

*\*or upon conclusion of previous session*

**Agenda**  
**Special Meeting of the Trustees/Shareholders**  
**of the Students Book Corporation**

Thursday, May 7, 2020  
8:30 a.m. – 9:00 a.m.

**Information Item**

Section

1. Students Book Corporation, Financial Statement – Year Ending June 30, 2019 (*Terry Boston*)

**Action Items**

1. Students Book Corporation, Confirmation of Directors (*Terry Boston*) SBC-1
2. Proposed Changes to the Students Book Corporation Bylaws (*Terry Boston*) SBC-2

# **ACTION ITEM #1**

## **Students Book Corporation, Confirmation of Directors (Terry Boston)**

May 7, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS AS TRUSTEES AND SHAREHOLDERS OF THE STUDENTS BOOK CORPORATION

**SUBJECT:** Students Book Corporation, Confirmation of Directors

**SUBMITTED BY:** Ashley Vu, Chairperson – Graduate Student Director  
Terry Boston, Administrative Director

**PROPOSED:** That the Trustees and Shareholders of the Students Book Corporation confirm the following individuals to serve on the Students Book Corporation Board of Directors:

Alicia Booth, Graduate Student Director  
Two-year term to expire in 2022

Bryan Krych, Undergraduate Student Director  
Two-year term to expire in 2022

Frank Liu, Alternate Graduate/Professional Student Director  
One-year term to expire in 2020

Soho Divers, Alternate Undergraduate Student Director  
One-year term to expire in 2021

Jenna Fitzgerald, Alternate Undergraduate Student Director  
One-year term to expire in 2021

Matt Hudelson, Faculty Director  
Two-year term to expire 2022

Sean Greene, Administrative Director  
Filling unexpired term of Terry Boston, expires 2021

## **Students Book Corporation Directors Biographies – 2019-2020**

### **Alicia Booth, Graduate Student Director**

Alicia is from Spokane, WA and currently working on her Master's degree in Communication. She graduated from Carroll College in 2014 with her Bachelor's in Business Administration concentrating in Marketing, Management, and International Business. In her free time, she enjoys watching football, singing in the church choir, and hiking around the Palouse. As she nears the end of her program, she is excited to serve on the Board and hopes to leave a lasting impact at WSU which will create an amazing experience for future Cougs!

### **Bryan Krych, Undergraduate Student Director**

Bryan is an undergraduate student from Spokane, Washington and transferred from Iowa State University at the start of his sophomore year. He is working towards a degree in chemical engineering with a minor in Business Administration. Bryan's career goals include working in the field of research and development of technology. He is a member of Alpha Kappa Psi, a professional business fraternity, where he has had the opportunity to help lead a large fundraising event for the fraternity. In his free time, Bryan enjoys exercising, water sports, and fishing. Bryan hopes to use his position on the board to promote a positive student experience for current and future Cougs.

### **Frank Liu, Alternate Graduate Student Director**

Frank is from Orange County, California. He is a PY1 at the WSU College of Pharmacy and Pharmaceutical Sciences. He earned his bachelor's degree in Management Science from University of California San Diego in 2014. Aside from being a full-time student, he manages a medium-sized family business that specializes in the travel and tourism industry. Frank looks forward to contributing his managerial and business acumen to the Board and the WSU community.

### **Soho Divers, Alternate Undergraduate Student Director**

Soho Divers is an undergraduate student in the Carson College of Business and Honors College studying towards degrees in finance and management information systems, with minors in Chinese and mathematics. She is from Honolulu, HI and strives to work in emerging markets before returning to either Honolulu or Seattle to work with non-profits that assist people with job training and other programs to help them get back on their feet. In her free time, she enjoys hiking, ballroom dancing, and getting involved on campus through groups such as Delta Sigma Pi, various business clubs, and the Latin dance club.

### **Jenna Fitzgerald, Alternate Undergraduate Student Director**

Jenna is an undergraduate student pursuing a degree with a major in Philosophy Pre-Law and a minor in Business Administration. Jenna is originally from Cleveland Ohio but has also lived in Florida and Washington prior to joining the Cougar community. After graduating from Washington State University, Jenna plans on going to law school to pursue a career as a corporate attorney. She holds many positions within the WSU community as the treasurer of Black Women's Caucus, Director of Communications for the mock trial team, mentor for student-athletes and a student member on the CUB advisory board. Jenna is very honored to be able to represent students by being a part of the Students Book Corporation Board of Directors.

### **Matt Hudelson, Faculty Director**

My roots are firmly planted in the Pacific Northwest; my mother and grandfather were both born in Seattle and my sisters and I all grew up in Federal Way, Washington, attending various public schools in that district. My uncle, oldest sister, her husband, and my nephew are all alumni of WSU and I obtained my undergraduate and PhD degrees at the University of Washington, the latter in 1995.

In 1995, I arrived at Washington State University as a newly minted assistant professor in the Department of Pure and Applied Mathematics (now the Department of Mathematics and Statistics.) Eager to establish myself, I began working to prove results in discrete mathematics, publishing papers and doing the activities expected of young faculty members.

During a session at the following year's Joint Mathematics Meetings, I heard Joe Gallian give a talk aimed at new mathematicians in which his main message was, "find your niche." This advice has resonated with me throughout my near quarter-century career at WSU; for me, that niche has been to participate in and, later, play a lead role in our department's ongoing reform efforts for our large service courses, particularly for the calculus for engineers and physical sciences sequence (Math 171,172,273). This has expanded to playing an expanding role in serving students institution-wide. My journey has included serving on Faculty Senate (in March 2020, I was elected as Executive Secretary and I will begin a three-year term in August 2020), as a Director (representing faculty) on the Student Book Corporation Board, as co-chair of the university-wide Course Materials Value and Effectiveness Committee (CMVEC), the faculty representative for the S & A Fees Committee, participation in the All-University Mathematics Committee, the CAS Strategic Planning Committee, the department-level Undergraduate Studies Committee, departmental pre-major advising, and serving as Math 171 or Math 172 course coordinator for numerous semesters, and project leader for our department's initiative to introduce online homework, bring-your-own-device, and other technology enhancements to our large calculus lectures.

During the past two years, I have expanded my professional development to include participation in Learn, Inspire, Foster, Transform (LIFT) and the Provost's Leadership Academy (PLA). LIFT cohorts are invited to explore new approaches and ideas to instruction and curricular development over the course of an academic year. In the PLA, cohort members participate in a variety of activities designed to foster leadership skills and interact with WSU leaders, including college deans and central WSU administrators. Additionally, PLA participants engage in a year-long leadership project; mine has been centered on understanding issues involving course materials with special emphasis on my Faculty Senate-sponsored role in CMVEC.

At this point in my career, I have become increasingly devoted to contributing to the instructional mission of WSU at an institution-wide level. My service activities over the past few years have been centered on the interface between students and faculty beyond the day-to-day classroom experience. I hope to continue learning in new roles and contributing to student success at WSU.

### **Sean Greene, Administrative Director**

Sean Greene is the Executive Director of Facilities and Finance for Student Affairs at Washington State University. Sean started his WSU career in 1999 and has served in various roles in Student Affairs, including positions in University Recreation, Compton Union Building, Housing and Dining Services.

In his current role, Sean provides leadership for Housing Facilities, Auxiliary Facility Services, University Recreation Facilities, Compton Union Building, Administrative Services Information Services, and Dining Services Operations.

Sean has an MBA from Washington State University, an MA in Higher Education Administration from the University of Alabama, and BA in Finance from the University of Nebraska. Sean has affiliations with Association of College Unions International, the National Association of College & University Food Services, National Association College Auxiliary Services, Western Association of College & University Business Officers and National Intramural and Recreation Sports Association.

## **OTHER BUSINESS – ACTION ITEM #2**

Students Book Corporation, Bylaw Changes  
(Terry Boston)

May 7, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS AS TRUSTEE AND SHAREHOLDERS OF  
THE STUDENTS BOOK CORPORATION

**SUBJECT:** Students Book Corporation, Bylaw Revisions

**PROPOSED:** That the Trustees and Shareholders of the Students Book Corporation approve the following changes to the bylaws of the Students Book Corporation: (1) modify Article IV to include professional students in addition to graduate and undergraduate (2) modify Article 4.2.1.2 by deleting the 3.0 GPA for graduate students as they must maintain a 3.0 GPA to stay in graduate school.

**SUBMITTED BY:** Students Book Corporation, Board of Directors

**SUPPORTING INFORMATION:** The Board would like to include professional students in the application process. There was a professional student applicant this year who is a better candidate than the graduate students that applied.

Section 4.2.1.2 begins, “Be in good academic standing...”, which covers the graduate and professional student.

**ATTACHMENTS:** Students Book Corporation Bylaws Redline Version  
Students Book Corporation Bylaws Clean Copy

**AMENDED AND RESTATED BYLAWS  
OF THE  
STUDENTS BOOK CORPORATION**

**ARTICLE I TERMS**

- 1.1** Definitions. Unless the context clearly requires otherwise, the following terms contained in these Bylaws shall have the meaning indicated.
- 1.1.1** "Act" means the Washington Business Corporation Act, as amended from time to time.
- 1.1.2** "Articles" means this Corporation's Articles of Incorporation, as amended from time to time.
- 1.1.3** "ASWSU" means the Associated Students of Washington State University and its successor in interest.
- 1.1.4** "GPSA" means the Graduate and Professional Students Association of Washington State University and its successor in interest.
- 1.1.5** "Board" means this Corporation's Board of Directors.
- 1.1.6** "Corporation" means The Students Book Corporation.
- 1.1.7** "Director" means a member of this Corporation's Board.
- 1.1.8** "Officer" means the Chairperson, Vice Chairperson, Secretary or Treasurer of the Board of Directors or any other Officer appointed by the Board pursuant to Section 5.1.
- 1.1.9** "Person" means an individual, corporation, partnership, trust, estate, or other entity.
- 1.1.10** "Shareholder" means the Person in whose name Shares of the Corporation are registered in the records of the Corporation on any applicable date, or the beneficial owner of Shares to the extent of the rights granted by a nominee certificate on file with the Corporation.
- 1.1.11** "Shares" means the shares of stock of the Corporation.
- 1.1.12** "Trustee" means the Board of Regents of Washington State University.
- 1.1.13** "University" means Washington State University.

**ARTICLE II TRUST AGREEMENT**

- 2.1** All Shares of the Corporation were owned by ASWSU, successor in interest to the Associated Students of Washington State College. Pursuant to the terms of a Trust Agreement dated March 1, 1947, between ASWSU and the Board of Regents acting as Trustee of Washington State College, now Washington State University, all Shares were assigned and transferred to Trustee, as trustee of the trust thereby created. The Trust Agreement provides, among other things, that the Trustee "...shall exercise all incidents of ownership..." of the Shares for the welfare and benefit of the students of the University.

**ARTICLE III SHAREHOLDERS**

- 3.1** Annual Meeting. The annual meeting of the Shareholders of the Corporation for the appointment of Directors to succeed those whose terms expire, and for the transaction of such other business as may properly come before the meeting, shall be held each year in the month of April or May. The Chairperson of the Board of Regents of the University shall preside at the annual meeting of the Shareholders.

**Approved by Board of Directors April 9, 2020**

**Approved by Board of Trustees May 2, 2019**

- 3.2** Special Meetings. Special meetings of the Shareholders for any purpose or purposes may be called at any time by the Students Book Corporation Board of Directors to be held at such time and place as the Board may prescribe. At any time, upon the written request of any Officer or of Shareholders holding in the aggregate twenty five percent (25%) of the voting power of all Shareholders entitled to vote, delivered to the Secretary or Chairperson of the Board and describing the purpose or purposes for the meeting, it shall be the duty of the Secretary or Chairperson to call a special meeting of the Shareholders to be held at such time and place as the Secretary or Chairperson may fix, not less than ten (10) nor more that thirty-five (35) days after the receipt of said request. If the Secretary or Chairperson neglects or refuses to issue such call, the Officer or the Shareholders making the request may do so.
- 3.3** Notice of Meetings.
- 3.3.1** General. Notice of each annual and special meeting of the Shareholders shall be given by the Secretary to each Person who is a Shareholder on the Record Date and who is entitled to vote at such a meeting.
- 3.3.2** Form. Notice of each meeting shall be in writing and state the date, time and place of the meeting. Notice of the annual meeting need not describe the purpose for the meeting, but notice of a special meeting shall describe the purpose or purposes for which the meeting is called.
- 3.3.3** Delivery. Notice of each meeting shall be given not less than ten (10) nor more than sixty (60) days prior to the meeting date, except that notice of a Shareholders' meeting to act on an amendment to the Articles, a plan of merger or Share exchange, a proposed sale of all or substantially all of the Corporation's property otherwise than in the usual and regular course of business, or the dissolution of the Corporation shall be given no less than thirty (30) days nor more than sixty (60) days prior to the meeting. Notice may be transmitted by email, telephone or any other means necessary.. Such notice shall be deemed to have been given upon the earliest of (1) the Shareholder's receipt of the notice, (2) five (5) days after it is deposited in the mail with first class postage prepaid, or (3) on the date shown on the return receipt signed by or on behalf of the addressee, if sent by registered or certified mail, return receipt requested.
- 3.3.4** Waiver. Notice of a Shareholders' meeting may be waived by any Shareholder, either before or after the meeting, in writing, signed by the Shareholder. Attendance at a meeting in person or by proxy shall constitute a waiver of notice or of objection to defective notice of the meeting, unless the Shareholder at the beginning of the meeting objects to holding the meeting or objects to consideration of a matter not within the purpose or purposes described in the notice of a special meeting when it is presented.
- 3.3.5** Adjourned Meetings. An adjournment or adjournments of any Shareholders' meeting may be taken to such time and place as those present may determine and announce at the meeting without new notice being given; provided, that any meeting at which Directors are to be appointed shall be adjourned only from day to day until such Directors are appointed, and in the case of any meeting which is adjourned because of the failure of a quorum to attend, those who attend the second of such adjourned meetings, although less than a quorum, shall nevertheless constitute a quorum for the purpose of appointing Directors.
- 3.4** Telephonic Meetings. One (1) or more Shareholders may participate in any meeting by telephone or other means of communication by which all persons participating in the meeting can hear and speak with each other during the meeting. A Shareholder participating by such means shall be deemed to be present in person.
- 3.5** Action Without Meeting. Acts required or permitted to be taken by the Shareholders at any meeting may be taken without a meeting if all Shareholders entitled to vote on the action consent thereto. Such action shall be evidenced by one or more written consents describing the action taken, signed

**Approved by Board of Directors April 9, 2020**  
**Approved by Board of Trustees May 2, 2019**

by all Shareholders entitled to vote on the action, and delivered to the Corporation for inclusion in the minutes or filing with the Corporation's records.

- 3.6** Quorum. Owners of a majority of the outstanding shares of the corporation shall constitute a quorum subject to the provision of Section 3.3.5 above.
- 3.7** Voting.
- 3.7.1** Record Date. The record date for determining the Shareholders entitled to vote at any annual or special meeting of the Shareholders shall be the date the notice of the meeting is signed, as set forth in the notice, unless another date is specified by the Board and set forth in the notice of the meeting.
- 3.7.2** Shareholder List. If the Corporation has more than one (1) Shareholder, then after fixing the record date for a meeting, the Corporation shall prepare an alphabetical list of the names of all Shareholders on the record date who are entitled to notice of the meeting and setting forth the address of and number of Shares held by each Shareholder. Such a list shall be available for inspection by any Shareholder or Shareholder's agent or attorney during regular business hours, beginning ten (10) days prior to the meeting and continuing through the meeting, at the Corporation's registered office or such other place as may be identified in the meeting notice within the city where the meeting will be held, and at the place where the meeting is held during the meeting.
- 3.7.3** Votes. Each Share entitled to vote at the meeting shall have one (1) vote on each matter voted on during the Shareholder's meeting. A Shareholder may vote the Shareholder's Shares in person or by proxy. Action upon a matter, other than the appointment of Directors, is approved if the number of votes cast favoring the action exceed the number of votes opposing the action, except in those instances in which a greater number of votes is required under the Act. Cumulative voting shall not be permitted for the election of Directors.
- 3.8** Directors' Compensation. The Shareholders shall establish the compensation of Directors, if any.

**ARTICLE IV DIRECTORS**

- 4.1** Authority. All corporate powers shall be exercised by or under the authority of the Board of Directors.
- 4.2** Number and Qualification. The Board shall consist of five (5) student directors as provided for in section 4.3, of whom four (4) shall be undergraduate students and one (1) shall be a graduate/**professional** student and two (2) faculty Directors, who shall be tenured members of the teaching faculty recommended by the University President's Office and two (2) administrative Directors who shall be administrative representatives recommended by the University's Finance and Administration Office. The status of a student director, undergraduate or graduate/**professional**, will be designated at the beginning of the term.
- A Director need not be a resident of the State of Washington. Compensated members of the executive staff of ASWSU, GPSA, the Student Senates, and their employees are not eligible to serve as an appointed Board member. Employees of any entity engaged by the Students Book Corporation to operate a Students Book Corporation bookstore, their spouses, partners, or immediate family members are not eligible to serve as a Board member.
- 4.2.1** Students, undergraduate, **graduate and professional**, must have and maintain the following qualifications to serve as an appointed Director:
- 4.2.1.1** Be enrolled in at least twelve (12) undergraduate collegiate hours or **in** a full-time graduate **or professional** program.
- 4.2.1.2** Be in good academic standing with not less than a 2.5 ~~accumulative~~ **accumulative** grade point average for an undergraduate student. ~~and a 3.0 accumulative grade point average for a graduate student.~~

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**Approved by Board of Trustees May 2, 2019**

- 4.3** Appointment of Student Directors. The evaluation process of student Directors will take place during the months of February and/or March each year or as needed to maintain the correct composition of the Board. The evaluation process shall be conducted as follows:
- 4.3.1** The Board of Directors shall make available applications for interested candidates online and at The Bookie and other locations determined by the Board.
- 4.3.2** For undergraduate Directors, a committee of two (2) Board of Directors members will invite two (2) ASWSU representatives to participate in the interview process. They shall then review the applications, select the top three (3) to five (5) for each open position, interview the candidates, and make recommendations to the Board of Directors. In the event the Directors and the committee members do not deem the candidates(s) qualified, they may recommend at large alternate(s) candidate(s), undergraduate student or graduate/**professional** student, to the Board of Directors. The Board of Directors will recommend the top candidate for each position and two (2) undergraduate or at large alternates to the Board of Regents, acting as Trustees, for appointment to the Board. Upon appointment by the Trustees, the candidate shall become a member of the Board of Directors or an alternate.
- 4.3.3** For the graduate/**professional student** Director, a committee of two (2) Board of Directors members will invite two (2) GPSA representatives to participate in the interview process. They shall then review the applications, select the top three (3) to five (5) for the open position, interview the candidates, and make recommendations to the Board of Directors. In the event the Directors and the committee members do not deem the candidates(s) qualified, they may recommend at large alternate(s) candidate(s), undergraduate student or graduate/**professional** student, to the Board of Directors. The Board of Directors will recommend the top candidate and an alternate for the position to the Board of Regents, acting as Trustees, for appointment to the Board. Upon appointment by the Trustees, the candidate shall become a member of the Board of Directors or an alternate.
- 4.3.4** Alternate Board members will attend and participate in all Board of Directors meetings, but will not have a vote. Alternates are not eligible to serve as Chair, Vice Chair, Secretary or Treasurer. Alternates may serve as committee chairs.
- 4.4** Terms of Directors and Appointment.
- 4.4.1** Each appointed student Director will serve a term of two (2) years on the Board upon appointment by the Board of Trustees.
- 4.4.2** Terms shall be limited to four (4) full terms for student Directors and three (3) full consecutive terms (six (6) consecutive years) for faculty Directors.
- 4.4.3** In order to maintain staggered terms, vacated positions shall be filled by alternates for the unexpired term of the position.
- 4.4.4** Administrative directors will be appointed to two (2) year terms with no limitations on the number of terms.
- 4.4.5** The Board may, by two-thirds vote, recommend the removal of any director for cause. Such recommendation shall be reviewed and approved or rejected by the shareholders.
- 4.5** All newly appointed or re-appointed student, faculty and administrative directors shall be confirmed by the Shareholders.
- 4.6** Duties of the Board.
- 4.6.1** The Board will normally conduct monthly meetings during the academic year to hear reports on the status of the Corporation and to rule on business policy within the Corporation.
- 4.6.2** The Board will be responsible to make a yearly financial report to the Shareholders.
- 4.6.3** Special meetings of the Board may be called by the Board, the Chairperson of the Board, or two (2) Directors, to be held at such date, time and place as the Board, the Officer, or the directors calling

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the meeting shall specify in the notice of that meeting.

- 4.6.4** The Board shall conduct an annual meeting of Directors in September.
- 4.6.5** An Executive committee can be formed of Directors present in Pullman during the summer months to conduct meetings and make Board decisions. A report must be given at the annual Board meeting to discuss any business which is transacted during summer months.
- 4.7** Resignation and Dismissal: A Director may resign at any time by delivering written notice to the Board, Chair-person of the Board or Secretary. A resignation shall be effective on the date such notice is delivered or on the date specified in the notice, if later. Any Board member or alternate who misses two (2) meetings without the consent of the Chairperson of the Board will be deemed to have resigned. In the event the Chairperson misses two (2) meetings without the consent of the Vice-Chairperson, the Chairperson will be deemed to have resigned.
- 4.7.1** Tardiness of any Board member or alternate for two (2) meetings, without the consent of the Chairperson of the Board, will be subject to discussion regarding dismissal.
- 4.8** Removal. The Shareholders may remove one (1) or more of appointed Directors only at a special meeting of the Shareholders called for that purpose and only if the notice of that meeting states that as a purpose for calling the meeting. A majority of votes cast is required for removal.
- 4.9** Vacancies. Notwithstanding section 4.2, if a vacancy occurs for a student Director, the position will be filled by an alternate Board member as selected by the Board of the Corporation. A new alternate Board member will be appointed as provided in section 4.3 to replace the position of the alternate Board member who replaced a Board member. The student appointed to fill a vacancy may be either an undergraduate or graduate student, and will fill the vacancy until the end of the current fiscal year or until a new undergraduate or graduate Director is appointed to fill the position of the student Director whose vacancy was filled. Notwithstanding section 4.5, a vacant faculty Director position shall be filled by appointment from the University President's Office. A vacant administrative Director position shall be filled by appointment from the University Finance and Administration Office. Any faculty Director or administrative Director appointed to fill any vacancy shall hold office for the unexpired term of his or her predecessor, to be confirmed by the Trustees at the next annual meeting of Trustees.
- With the permission of the Board, a student Director on study abroad but intending to return as a student at WSU under the conditions for eligibility as a member of the Board given in section 4.2 may be deemed eligible as a member or alternate member of the Board. If the student is a Director she or he will assume the role of an alternate, and the alternate Director will serve as Director during the period of study abroad. The permission of the Board is dependent on the student studying abroad providing a detailed plan for remaining active in Board activities during the period of study abroad. Section 4.7 shall apply to students studying abroad in addition to students currently enrolled on one of the WSU campuses.
- 4.10** Quorum. A simple majority of the Directors shall constitute a quorum for the transaction of business, provided at least three (3) of the Directors are students.
- 4.11** Voting. Each Director, including appointed student Directors, faculty Directors, and administrative Directors shall have one (1) vote on all matters to be voted upon by the Board.
- 4.12** Committees. The Board may create such committees as it deems necessary to further the mission of the Board. Members of committees are required to attend meetings. Failure to attend meetings without the consent of the Chairperson of the Board will result in the member being removed from the committee.
- 4.13** Scholarships. Student Directors shall be awarded a \$1,000 per semester scholarship (credit) at the

Students Book Corporation for each Spring and/or Fall term they serve as student director. Alternate Student Directors shall be awarded a \$500 per semester scholarship (credit) at the Students Book Corporation for each Spring and/or Fall term they serve as student director. The Board may vote to suspend or reduce the scholarship awards in times of financial hardship of the corporation.

#### **ARTICLE V OFFICERS**

- 5.1** Officers Enumerated. The Officers of the Corporation shall be a Chairperson of the Board, Vice Chairperson, Secretary and Treasurer. One (1) or more assistant Officers may be elected or appointed by the Board, to hold office for such period of time, have such authority and perform such duties as are provided by resolution of the Board. No person will hold more than one (1) office at the same time.
- 5.2** Election - Term. All Officers shall be elected by the Board at a meeting prior to the end of the Spring semester. The officers will hold office for a term of one (1) year. The Officers will be selected from the continuing and incoming slate of student directors. The officers will take office once the shareholders approve the slate of directors. In the case of officers whose terms as Directors end prior to the Annual Meeting of the Board, their term shall end at the same time their status as a Director ends. In the case of all other officers, their term shall be until their successors are elected.
- 5.3** Qualifications. The Chairperson, Vice Chairperson, Secretary and Treasurer shall all be student Directors.
- 5.4** The Chairperson. The Chairperson of the Board shall exercise the usual and customary powers pertaining to the office of the Chairperson of the Board, preside at all regular and special meetings of the Board, shall sign and execute with the Secretary or other authorized Officer all deeds, bonds, contracts and other obligations or instruments in the name of the Corporation and perform such duties as the Board may from time to time designate.
- 5.5** The Vice Chairperson. In the absence or disability of the Chairperson, the Vice Chairperson may act as Chairperson and shall perform such duties as the Board may from time to time designate.
- 5.6** The Secretary. The Secretary shall keep minutes of the proceedings of the Board; sign and execute with the Chairperson or other authorized Officer all deeds, bonds, contracts and other obligations or instruments in the name of the Corporation; and perform such duties as the Board may from time to time designate.
- 5.7** The Treasurer. The Treasurer shall perform all of the duties usually incident to the office of Treasurer, including review of financial reports and documents and perform such duties as the board may from time to time designate.
- 5.8** Resignation. An officer may resign at any time by delivering written notice to the Board, Chairperson, or Secretary. The resignation shall be effective on the date such a notice is delivered or on the date specified in the notice, if later.
- 5.9** Vacancies. Vacancies in any office arising from any cause may be filled by a majority vote of the Board at any regular or special meeting.
- 5.10** Agents. The Board may appoint such persons or organizations necessary, who shall have and exercise such powers, and perform such duties as designated by the Board.

#### **ARTICLE VI OUTREACH**

- 6.1** ASWSU Dividend. Dividends shall be declared from the net income of the Corporation to the Associated Students of Washington State University, at such times as the Board of Directors shall direct, and no dividends shall be declared that will impair the capital of the Corporation at which point 90% of the total declared dividend shall be distributed to greater ASWSU (ASWSU-Pullman, ASWSU-Spokane, ASWSU-Tri-Cities, ASWSU-Vancouver, ASWSU-Distance Degree) and 10%

of the total declared dividend shall be distributed to GPSA.

#### **ARTICLE VII CONFLICT OF INTEREST**

- 7.1** Definitions. A conflict of interest arises when any “Responsible Person” or any “Party Related to a Responsible Person” has an “Interest Adverse to the Students Book Corporation.” A Responsible Person is any individual in a position to exercise substantial influence over the affairs of the Students Book Corporation, without limitation, Directors of the Students Book Corporation and any member of any committee making decisions on behalf of the Students Book Corporation. A Party Related to a Responsible Person includes his or her extended family (including spouse, ancestors, descendants and siblings, and their respective spouses and descendants), an estate or trust in which the Responsible Person or any member of his or her extended family has a beneficial interest or a fiduciary responsibility, or an entity in which the Responsible Person or any member of his or her extended family is a director, trustee or officer or has a financial interest. An “Interest Adverse to the Students Book Corporation” includes any interest in any contract, transaction or other financial relationship with the Students Book Corporation, and any interest in an entity whose best interests may be impaired by the best interests of the Students Book Corporation including, without limitation, an entity providing any goods or services to or receiving any goods or services from the Students Book Corporation, an entity in which the Students Book Corporation has any business or financial interest, and an entity providing goods or services or performing activities similar to the goods or services or activities of the Students Book Corporation.
- 7.2** Disclosure. If a Responsible Person is aware that the Students Book Corporation is about to enter into any transaction or make any decision involving a conflict of Interest (a “Conflicting Interest Transaction”) such person shall; (i) immediately inform those charged with approving the Conflicting Interest Transaction on behalf of the Students Book Corporation of the interest or position of such person or any party related to such person; (ii) aid the persons charged with making the decision by disclosing any material facts within the Responsible Person’s knowledge that bear on the advisability of the Students Book Corporation entering into the Conflicting Interest Transaction; and (iii) not be entitled to vote on the decision to enter into such transaction.
- 7.3** Approval of Conflicting Interest Transaction. The Students Book Corporation may enter into a Conflicting Interest Transaction provided the material facts as to the Responsible Person’s relationship or interest and as to the Conflicting Interest Transaction are disclosed or are known to the Board of the Students Book Corporation or to a committee of the Students Book Corporation that authorizes, approves or ratifies the Conflicting Interest Transaction, and the Directors in good faith authorizes, approves or ratifies the Conflicting Interest Transaction by the affirmative vote of the majority of the disinterested Students Book Corporation Directors, even though the disinterested Directors may be less than a quorum.

#### **ARTICLE VIII STOCK**

- 8.1** Authority to Issue. All Shares issued by the corporation shall be authorized by the Board.
- 8.2** Transfers. The issuance and transferability of Shares of the Corporation registered in the name of Trustee shall be subject to all of their terms and conditions of the Trust Agreement dated March 1, 1947, previously referred to.
- 8.3** Record Date. The Board may fix a record date for the determination of the Shareholders entitled to notice of or to vote at any meeting of the Shareholders or to consent to action without a meeting, to receive dividends or other distributions, or to exercise any rights with respect to the Shares, which date shall not be less than ten (10) nor more than sixty (60) days prior to the meeting date or date of other action.

#### **ARTICLE IX BOOKS AND RECORDS**

- 9.1** Records and Inspection. The Corporation shall keep all such records as are required by RCW 23B.16.010 as in effect on the date hereof and as it, or the successor thereto, may be amended from time to time hereafter, and shall allow to each Shareholder and Shareholder’s agent or attorney all

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such inspection and copying rights as are required by RCW 23B.16.030 as in effect on the date hereof and as it, or the successor thereto, may be amended from time to time hereafter.

- 9.2** Copies of Resolutions. Any person dealing with the Corporation may rely upon a copy of the records of the proceedings, resolutions, or votes of the Board or Shareholders, or a copy of a resolution or motion, when certified by the Chairperson or Secretary.

#### **ARTICLE X FISCAL YEAR**

- 10.1** The fiscal year of the Corporation shall be from July 1 through June 30.

#### **ARTICLE XI CORPORATE SEAL**

- 11.1** The corporate seal of the Corporation shall be a circular seal with the name of the Corporation therein.

#### **ARTICLE XII INDEMNIFICATION OF DIRECTORS AND OFFICERS.**

- 12.1** Indemnification. Each Director or Officer now or hereafter serving the Corporation, and each individual who at the request of or on the behalf of the Corporation is now serving or hereafter serves as a Director, Officer, partner, Trustee, employee or agent of any other corporation, partnership, joint venture, trust, employee benefit plan or enterprise, and the respective heirs, executors and administrators of each of them, shall be indemnified by the Corporation to the fullest extent permitted by the Act against all liability, including costs, expenses, judgments, penalties, fines, and attorneys' fees, reasonably incurred by or imposed upon him or her in connection with or resulting from any action, suit or proceeding, civil or criminal, in which he or she is or may be made a party by reason such Director or Officer being or having been such a Director, Officer, partner, Trustee, employee or agent, or by reason of any action alleged to have been taken or omitted by him or her in any such capacity, whether or not he or she is a Director or Officer or acting in such other capacity at the time of incurring such liability. The foregoing right of indemnification shall not be exclusive of other rights to which such Director or Officer may be entitled as a matter of law.
- 12.2** Insurance. The Board may purchase insurance on behalf of any one (1) or more persons required or permitted to be indemnified pursuant to this Article XII.

#### **ARTICLE XIII AMENDMENT OF BYLAWS**

- 13.1** By the Shareholders. These Bylaws may be amended, altered, or repealed at any special meeting of the Shareholders, if notice of the proposed action is contained in the notice of the meeting.
- 13.2** By the Board of Directors. These Bylaws may be amended, altered or repealed at any regular or special meeting of the Board if in the case of a special meeting notice of the proposed action is contained in the notice of the meeting; provided, however, that the Board shall not amend, alter or repeal any Bylaw in such manner as to affect the qualifications, classifications, term of office or compensation of the Directors in any way. Any action or repeal of the Bylaws is hereby made expressly subject to change or repeal by the Shareholders.

#### **ARTICLE XIV RULES OF ORDER**

- 14.1** The rules contained in the most recent edition of Robert's Rules of Order, Revised, shall govern all meetings of Shareholders, Directors and Committees of the Board where those rules are not inconsistent with the Articles, Bylaws, or special rules of order of the Corporation.

**BY:** \_\_\_\_\_  
**Alicia Booth, Secretary**

**AMENDED AND RESTATED BYLAWS  
OF THE  
STUDENTS BOOK CORPORATION**

**ARTICLE I TERMS**

- 1.1** Definitions. Unless the context clearly requires otherwise, the following terms contained in these Bylaws shall have the meaning indicated.
- 1.1.1** "Act" means the Washington Business Corporation Act, as amended from time to time.
- 1.1.2** "Articles" means this Corporation's Articles of Incorporation, as amended from time to time.
- 1.1.3** "ASWSU" means the Associated Students of Washington State University and its successor in interest.
- 1.1.4** "GPSA" means the Graduate and Professional Students Association of Washington State University and its successor in interest.
- 1.1.5** "Board" means this Corporation's Board of Directors.
- 1.1.6** "Corporation" means The Students Book Corporation.
- 1.1.7** "Director" means a member of this Corporation's Board.
- 1.1.8** "Officer" means the Chairperson, Vice Chairperson, Secretary or Treasurer of the Board of Directors or any other Officer appointed by the Board pursuant to Section 5.1.
- 1.1.9** "Person" means an individual, corporation, partnership, trust, estate, or other entity.
- 1.1.10** "Shareholder" means the Person in whose name Shares of the Corporation are registered in the records of the Corporation on any applicable date, or the beneficial owner of Shares to the extent of the rights granted by a nominee certificate on file with the Corporation.
- 1.1.11** "Shares" means the shares of stock of the Corporation.
- 1.1.12** "Trustee" means the Board of Regents of Washington State University.
- 1.1.13** "University" means Washington State University.

**ARTICLE II TRUST AGREEMENT**

- 2.1** All Shares of the Corporation were owned by ASWSU, successor in interest to the Associated Students of Washington State College. Pursuant to the terms of a Trust Agreement dated March 1, 1947, between ASWSU and the Board of Regents acting as Trustee of Washington State College, now Washington State University, all Shares were assigned and transferred to Trustee, as trustee of the trust thereby created. The Trust Agreement provides, among other things, that the Trustee "...shall exercise all incidents of ownership..." of the Shares for the welfare and benefit of the students of the University.

**ARTICLE III SHAREHOLDERS**

- 3.1** Annual Meeting. The annual meeting of the Shareholders of the Corporation for the appointment of Directors to succeed those whose terms expire, and for the transaction of such other business as may properly come before the meeting, shall be held each year in the month of April or May. The Chairperson of the Board of Regents of the University shall preside at the annual meeting of the Shareholders.

- 3.2** Special Meetings. Special meetings of the Shareholders for any purpose or purposes may be called at any time by the Students Book Corporation Board of Directors to be held at such time and place as the Board may prescribe. At any time, upon the written request of any Officer or of Shareholders holding in the aggregate twenty five percent (25%) of the voting power of all Shareholders entitled to vote, delivered to the Secretary or Chairperson of the Board and describing the purpose or purposes for the meeting, it shall be the duty of the Secretary or Chairperson to call a special meeting of the Shareholders to be held at such time and place as the Secretary or Chairperson may fix, not less than ten (10) nor more that thirty-five (35) days after the receipt of said request. If the Secretary or Chairperson neglects or refuses to issue such call, the Officer or the Shareholders making the request may do so.
- 3.3** Notice of Meetings.
- 3.3.1** General. Notice of each annual and special meeting of the Shareholders shall be given by the Secretary to each Person who is a Shareholder on the Record Date and who is entitled to vote at such a meeting.
- 3.3.2** Form. Notice of each meeting shall be in writing and state the date, time and place of the meeting. Notice of the annual meeting need not describe the purpose for the meeting, but notice of a special meeting shall describe the purpose or purposes for which the meeting is called.
- 3.3.3** Delivery. Notice of each meeting shall be given not less than ten (10) nor more than sixty (60) days prior to the meeting date, except that notice of a Shareholders' meeting to act on an amendment to the Articles, a plan of merger or Share exchange, a proposed sale of all or substantially all of the Corporation's property otherwise than in the usual and regular course of business, or the dissolution of the Corporation shall be given no less than thirty (30) days nor more than sixty (60) days prior to the meeting. Notice may be transmitted by email, telephone or any other means necessary.. Such notice shall be deemed to have been given upon the earliest of (1) the Shareholder's receipt of the notice, (2) five (5) days after it is deposited in the mail with first class postage prepaid, or (3) on the date shown on the return receipt signed by or on behalf of the addressee, if sent by registered or certified mail, return receipt requested.
- 3.3.4** Waiver. Notice of a Shareholders' meeting may be waived by any Shareholder, either before or after the meeting, in writing, signed by the Shareholder. Attendance at a meeting in person or by proxy shall constitute a waiver of notice or of objection to defective notice of the meeting, unless the Shareholder at the beginning of the meeting objects to holding the meeting or objects to consideration of a matter not within the purpose or purposes described in the notice of a special meeting when it is presented.
- 3.3.5** Adjourned Meetings. An adjournment or adjournments of any Shareholders' meeting may be taken to such time and place as those present may determine and announce at the meeting without new notice being given; provided, that any meeting at which Directors are to be appointed shall be adjourned only from day to day until such Directors are appointed, and in the case of any meeting which is adjourned because of the failure of a quorum to attend, those who attend the second of such adjourned meetings, although less than a quorum, shall nevertheless constitute a quorum for the purpose of appointing Directors.
- 3.4** Telephonic Meetings. One (1) or more Shareholders may participate in any meeting by telephone or other means of communication by which all persons participating in the meeting can hear and speak with each other during the meeting. A Shareholder participating by such means shall be deemed to be present in person.
- 3.5** Action Without Meeting. Acts required or permitted to be taken by the Shareholders at any meeting may be taken without a meeting if all Shareholders entitled to vote on the action consent thereto. Such action shall be evidenced by one or more written consents describing the action taken, signed

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by all Shareholders entitled to vote on the action, and delivered to the Corporation for inclusion in the minutes or filing with the Corporation's records.

- 3.6** Quorum. Owners of a majority of the outstanding shares of the corporation shall constitute a quorum subject to the provision of Section 3.3.5 above.
- 3.7** Voting.
- 3.7.1** Record Date. The record date for determining the Shareholders entitled to vote at any annual or special meeting of the Shareholders shall be the date the notice of the meeting is signed, as set forth in the notice, unless another date is specified by the Board and set forth in the notice of the meeting.
- 3.7.2** Shareholder List. If the Corporation has more than one (1) Shareholder, then after fixing the record date for a meeting, the Corporation shall prepare an alphabetical list of the names of all Shareholders on the record date who are entitled to notice of the meeting and setting forth the address of and number of Shares held by each Shareholder. Such a list shall be available for inspection by any Shareholder or Shareholder's agent or attorney during regular business hours, beginning ten (10) days prior to the meeting and continuing through the meeting, at the Corporation's registered office or such other place as may be identified in the meeting notice within the city where the meeting will be held, and at the place where the meeting is held during the meeting.
- 3.7.3** Votes. Each Share entitled to vote at the meeting shall have one (1) vote on each matter voted on during the Shareholder's meeting. A Shareholder may vote the Shareholder's Shares in person or by proxy. Action upon a matter, other than the appointment of Directors, is approved if the number of votes cast favoring the action exceed the number of votes opposing the action, except in those instances in which a greater number of votes is required under the Act. Cumulative voting shall not be permitted for the election of Directors.
- 3.8** Directors' Compensation. The Shareholders shall establish the compensation of Directors, if any.

**ARTICLE IV DIRECTORS**

- 4.1** Authority. All corporate powers shall be exercised by or under the authority of the Board of Directors.
- 4.2** Number and Qualification. The Board shall consist of five (5) student directors as provided for in section 4.3, of whom four (4) shall be undergraduate students and one (1) shall be a graduate/professional student and two (2) faculty Directors, who shall be tenured members of the teaching faculty recommended by the University President's Office and two (2) administrative Directors who shall be administrative representatives recommended by the University's Finance and Administration Office. The status of a student director, undergraduate or graduate/professional, will be designated at the beginning of the term.
- A Director need not be a resident of the State of Washington. Compensated members of the executive staff of ASWSU, GPSA, the Student Senates, and their employees are not eligible to serve as an appointed Board member. Employees of any entity engaged by the Students Book Corporation to operate a Students Book Corporation bookstore, their spouses, partners, or immediate family members are not eligible to serve as a Board member.
- 4.2.1** Students, undergraduate, graduate and professional, must have and maintain the following qualifications to serve as an appointed Director:
- 4.2.1.1** Be enrolled in at least twelve (12) undergraduate collegiate hours or in a full-time graduate or professional program.
- 4.2.1.2** Be in good academic standing with not less than a 2.5 cumulative grade point average for an undergraduate student.

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- 4.3** Appointment of Student Directors. The evaluation process of student Directors will take place during the months of February and/or March each year or as needed to maintain the correct composition of the Board. The evaluation process shall be conducted as follows:
- 4.3.1** The Board of Directors shall make available applications for interested candidates online and at The Bookie and other locations determined by the Board.
- 4.3.2** For undergraduate Directors, a committee of two (2) Board of Directors members will invite two (2) ASWSU representatives to participate in the interview process. They shall then review the applications, select the top three (3) to five (5) for each open position, interview the candidates, and make recommendations to the Board of Directors. In the event the Directors and the committee members do not deem the candidates(s) qualified, they may recommend at large alternate(s) candidate(s), undergraduate student or graduate/professional student, to the Board of Directors. The Board of Directors will recommend the top candidate for each position and two (2) undergraduate or at large alternates to the Board of Regents, acting as Trustees, for appointment to the Board. Upon appointment by the Trustees, the candidate shall become a member of the Board of Directors or an alternate.
- 4.3.3** For the graduate/professional student Director, a committee of two (2) Board of Directors members will invite two (2) GPSA representatives to participate in the interview process. They shall then review the applications, select the top three (3) to five (5) for the open position, interview the candidates, and make recommendations to the Board of Directors. In the event the Directors and the committee members do not deem the candidates(s) qualified, they may recommend at large alternate(s) candidate(s), undergraduate student or graduate/professional student, to the Board of Directors. The Board of Directors will recommend the top candidate and an alternate for the position to the Board of Regents, acting as Trustees, for appointment to the Board. Upon appointment by the Trustees, the candidate shall become a member of the Board of Directors or an alternate.
- 4.3.4** Alternate Board members will attend and participate in all Board of Directors meetings, but will not have a vote. Alternates are not eligible to serve as Chair, Vice Chair, Secretary or Treasurer. Alternates may serve as committee chairs.
- 4.4** Terms of Directors and Appointment.
- 4.4.1** Each appointed student Director will serve a term of two (2) years on the Board upon appointment by the Board of Trustees.
- 4.4.2** Terms shall be limited to four (4) full terms for student Directors and three (3) full consecutive terms (six (6) consecutive years) for faculty Directors.
- 4.4.3** In order to maintain staggered terms, vacated positions shall be filled by alternates for the unexpired term of the position.
- 4.4.4** Administrative directors will be appointed to two (2) year terms with no limitations on the number of terms.
- 4.4.5** The Board may, by two-thirds vote, recommend the removal of any director for cause. Such recommendation shall be reviewed and approved or rejected by the shareholders.
- 4.5** All newly appointed or re-appointed student, faculty and administrative directors shall be confirmed by the Shareholders.
- 4.6** Duties of the Board.
- 4.6.1** The Board will normally conduct monthly meetings during the academic year to hear reports on the status of the Corporation and to rule on business policy within the Corporation.
- 4.6.2** The Board will be responsible to make a yearly financial report to the Shareholders.
- 4.6.3** Special meetings of the Board may be called by the Board, the Chairperson of the Board, or two (2) Directors, to be held at such date, time and place as the Board, the Officer, or the directors calling

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the meeting shall specify in the notice of that meeting.

- 4.6.4** The Board shall conduct an annual meeting of Directors in September.
- 4.6.5** An Executive committee can be formed of Directors present in Pullman during the summer months to conduct meetings and make Board decisions. A report must be given at the annual Board meeting to discuss any business which is transacted during summer months.
- 4.7** Resignation and Dismissal: A Director may resign at any time by delivering written notice to the Board, Chair-person of the Board or Secretary. A resignation shall be effective on the date such notice is delivered or on the date specified in the notice, if later. Any Board member or alternate who misses two (2) meetings without the consent of the Chairperson of the Board will be deemed to have resigned. In the event the Chairperson misses two (2) meetings without the consent of the Vice-Chairperson, the Chairperson will be deemed to have resigned.
- 4.7.1** Tardiness of any Board member or alternate for two (2) meetings, without the consent of the Chairperson of the Board, will be subject to discussion regarding dismissal.
- 4.8** Removal. The Shareholders may remove one (1) or more of appointed Directors only at a special meeting of the Shareholders called for that purpose and only if the notice of that meeting states that as a purpose for calling the meeting. A majority of votes cast is required for removal.
- 4.9** Vacancies. Notwithstanding section 4.2, if a vacancy occurs for a student Director, the position will be filled by an alternate Board member as selected by the Board of the Corporation. A new alternate Board member will be appointed as provided in section 4.3 to replace the position of the alternate Board member who replaced a Board member. The student appointed to fill a vacancy may be either an undergraduate or graduate student, and will fill the vacancy until the end of the current fiscal year or until a new undergraduate or graduate Director is appointed to fill the position of the student Director whose vacancy was filled. Notwithstanding section 4.5, a vacant faculty Director position shall be filled by appointment from the University President's Office. A vacant administrative Director position shall be filled by appointment from the University Finance and Administration Office. Any faculty Director or administrative Director appointed to fill any vacancy shall hold office for the unexpired term of his or her predecessor, to be confirmed by the Trustees at the next annual meeting of Trustees.
- With the permission of the Board, a student Director on study abroad but intending to return as a student at WSU under the conditions for eligibility as a member of the Board given in section 4.2 may be deemed eligible as a member or alternate member of the Board. If the student is a Director she or he will assume the role of an alternate, and the alternate Director will serve as Director during the period of study abroad. The permission of the Board is dependent on the student studying abroad providing a detailed plan for remaining active in Board activities during the period of study abroad. Section 4.7 shall apply to students studying abroad in addition to students currently enrolled on one of the WSU campuses.
- 4.10** Quorum. A simple majority of the Directors shall constitute a quorum for the transaction of business, provided at least three (3) of the Directors are students.
- 4.11** Voting. Each Director, including appointed student Directors, faculty Directors, and administrative Directors shall have one (1) vote on all matters to be voted upon by the Board.
- 4.12** Committees. The Board may create such committees as it deems necessary to further the mission of the Board. Members of committees are required to attend meetings. Failure to attend meetings without the consent of the Chairperson of the Board will result in the member being removed from the committee.
- 4.13** Scholarships. Student Directors shall be awarded a \$1,000 per semester scholarship (credit) at the

Students Book Corporation for each Spring and/or Fall term they serve as student director. Alternate Student Directors shall be awarded a \$500 per semester scholarship (credit) at the Students Book Corporation for each Spring and/or Fall term they serve as student director. The Board may vote to suspend or reduce the scholarship awards in times of financial hardship of the corporation.

#### **ARTICLE V OFFICERS**

- 5.1** Officers Enumerated. The Officers of the Corporation shall be a Chairperson of the Board, Vice Chairperson, Secretary and Treasurer. One (1) or more assistant Officers may be elected or appointed by the Board, to hold office for such period of time, have such authority and perform such duties as are provided by resolution of the Board. No person will hold more than one (1) office at the same time.
- 5.2** Election - Term. All Officers shall be elected by the Board at a meeting prior to the end of the Spring semester. The officers will hold office for a term of one (1) year. The Officers will be selected from the continuing and incoming slate of student directors. The officers will take office once the shareholders approve the slate of directors. In the case of officers whose terms as Directors end prior to the Annual Meeting of the Board, their term shall end at the same time their status as a Director ends. In the case of all other officers, their term shall be until their successors are elected.
- 5.3** Qualifications. The Chairperson, Vice Chairperson, Secretary and Treasurer shall all be student Directors.
- 5.4** The Chairperson. The Chairperson of the Board shall exercise the usual and customary powers pertaining to the office of the Chairperson of the Board, preside at all regular and special meetings of the Board, shall sign and execute with the Secretary or other authorized Officer all deeds, bonds, contracts and other obligations or instruments in the name of the Corporation and perform such duties as the Board may from time to time designate.
- 5.5** The Vice Chairperson. In the absence or disability of the Chairperson, the Vice Chairperson may act as Chairperson and shall perform such duties as the Board may from time to time designate.
- 5.6** The Secretary. The Secretary shall keep minutes of the proceedings of the Board; sign and execute with the Chairperson or other authorized Officer all deeds, bonds, contracts and other obligations or instruments in the name of the Corporation; and perform such duties as the Board may from time to time designate.
- 5.7** The Treasurer. The Treasurer shall perform all of the duties usually incident to the office of Treasurer, including review of financial reports and documents and perform such duties as the board may from time to time designate.
- 5.8** Resignation. An officer may resign at any time by delivering written notice to the Board, Chairperson, or Secretary. The resignation shall be effective on the date such a notice is delivered or on the date specified in the notice, if later.
- 5.9** Vacancies. Vacancies in any office arising from any cause may be filled by a majority vote of the Board at any regular or special meeting.
- 5.10** Agents. The Board may appoint such persons or organizations necessary, who shall have and exercise such powers, and perform such duties as designated by the Board.

#### **ARTICLE VI OUTREACH**

- 6.1** ASWSU Dividend. Dividends shall be declared from the net income of the Corporation to the Associated Students of Washington State University, at such times as the Board of Directors shall direct, and no dividends shall be declared that will impair the capital of the Corporation at which point 90% of the total declared dividend shall be distributed to greater ASWSU (ASWSU-Pullman, ASWSU-Spokane, ASWSU-Tri-Cities, ASWSU-Vancouver, ASWSU-Distance Degree) and 10%

of the total declared dividend shall be distributed to GPSA.

#### **ARTICLE VII CONFLICT OF INTEREST**

- 7.1** Definitions. A conflict of interest arises when any “Responsible Person” or any “Party Related to a Responsible Person” has an “Interest Adverse to the Students Book Corporation.” A Responsible Person is any individual in a position to exercise substantial influence over the affairs of the Students Book Corporation, without limitation, Directors of the Students Book Corporation and any member of any committee making decisions on behalf of the Students Book Corporation. A Party Related to a Responsible Person includes his or her extended family (including spouse, ancestors, descendants and siblings, and their respective spouses and descendants), an estate or trust in which the Responsible Person or any member of his or her extended family has a beneficial interest or a fiduciary responsibility, or an entity in which the Responsible Person or any member of his or her extended family is a director, trustee or officer or has a financial interest. An “Interest Adverse to the Students Book Corporation” includes any interest in any contract, transaction or other financial relationship with the Students Book Corporation, and any interest in an entity whose best interests may be impaired by the best interests of the Students Book Corporation including, without limitation, an entity providing any goods or services to or receiving any goods or services from the Students Book Corporation, an entity in which the Students Book Corporation has any business or financial interest, and an entity providing goods or services or performing activities similar to the goods or services or activities of the Students Book Corporation.
- 7.2** Disclosure. If a Responsible Person is aware that the Students Book Corporation is about to enter into any transaction or make any decision involving a conflict of Interest (a “Conflicting Interest Transaction”) such person shall; (i) immediately inform those charged with approving the Conflicting Interest Transaction on behalf of the Students Book Corporation of the interest or position of such person or any party related to such person; (ii) aid the persons charged with making the decision by disclosing any material facts within the Responsible Person’s knowledge that bear on the advisability of the Students Book Corporation entering into the Conflicting Interest Transaction; and (iii) not be entitled to vote on the decision to enter into such transaction.
- 7.3** Approval of Conflicting Interest Transaction. The Students Book Corporation may enter into a Conflicting Interest Transaction provided the material facts as to the Responsible Person’s relationship or interest and as to the Conflicting Interest Transaction are disclosed or are known to the Board of the Students Book Corporation or to a committee of the Students Book Corporation that authorizes, approves or ratifies the Conflicting Interest Transaction, and the Directors in good faith authorizes, approves or ratifies the Conflicting Interest Transaction by the affirmative vote of the majority of the disinterested Students Book Corporation Directors, even though the disinterested Directors may be less than a quorum.

#### **ARTICLE VIII STOCK**

- 8.1** Authority to Issue. All Shares issued by the corporation shall be authorized by the Board.
- 8.2** Transfers. The issuance and transferability of Shares of the Corporation registered in the name of Trustee shall be subject to all of their terms and conditions of the Trust Agreement dated March 1, 1947, previously referred to.
- 8.3** Record Date. The Board may fix a record date for the determination of the Shareholders entitled to notice of or to vote at any meeting of the Shareholders or to consent to action without a meeting, to receive dividends or other distributions, or to exercise any rights with respect to the Shares, which date shall not be less than ten (10) nor more than sixty (60) days prior to the meeting date or date of other action.

#### **ARTICLE IX BOOKS AND RECORDS**

- 9.1** Records and Inspection. The Corporation shall keep all such records as are required by RCW 23B.16.010 as in effect on the date hereof and as it, or the successor thereto, may be amended from time to time hereafter, and shall allow to each Shareholder and Shareholder’s agent or attorney all

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such inspection and copying rights as are required by RCW 23B.16.030 as in effect on the date hereof and as it, or the successor thereto, may be amended from time to time hereafter.

- 9.2** Copies of Resolutions. Any person dealing with the Corporation may rely upon a copy of the records of the proceedings, resolutions, or votes of the Board or Shareholders, or a copy of a resolution or motion, when certified by the Chairperson or Secretary.

#### **ARTICLE X FISCAL YEAR**

- 10.1** The fiscal year of the Corporation shall be from July 1 through June 30.

#### **ARTICLE XI CORPORATE SEAL**

- 11.1** The corporate seal of the Corporation shall be a circular seal with the name of the Corporation therein.

#### **ARTICLE XII INDEMNIFICATION OF DIRECTORS AND OFFICERS.**

- 12.1** Indemnification. Each Director or Officer now or hereafter serving the Corporation, and each individual who at the request of or on the behalf of the Corporation is now serving or hereafter serves as a Director, Officer, partner, Trustee, employee or agent of any other corporation, partnership, joint venture, trust, employee benefit plan or enterprise, and the respective heirs, executors and administrators of each of them, shall be indemnified by the Corporation to the fullest extent permitted by the Act against all liability, including costs, expenses, judgments, penalties, fines, and attorneys' fees, reasonably incurred by or imposed upon him or her in connection with or resulting from any action, suit or proceeding, civil or criminal, in which he or she is or may be made a party by reason such Director or Officer being or having been such a Director, Officer, partner, Trustee, employee or agent, or by reason of any action alleged to have been taken or omitted by him or her in any such capacity, whether or not he or she is a Director or Officer or acting in such other capacity at the time of incurring such liability. The foregoing right of indemnification shall not be exclusive of other rights to which such Director or Officer may be entitled as a matter of law.
- 12.2** Insurance. The Board may purchase insurance on behalf of any one (1) or more persons required or permitted to be indemnified pursuant to this Article XII.

#### **ARTICLE XIII AMENDMENT OF BYLAWS**

- 13.1** By the Shareholders. These Bylaws may be amended, altered, or repealed at any special meeting of the Shareholders, if notice of the proposed action is contained in the notice of the meeting.
- 13.2** By the Board of Directors. These Bylaws may be amended, altered or repealed at any regular or special meeting of the Board if in the case of a special meeting notice of the proposed action is contained in the notice of the meeting; provided, however, that the Board shall not amend, alter or repeal any Bylaw in such manner as to affect the qualifications, classifications, term of office or compensation of the Directors in any way. Any action or repeal of the Bylaws is hereby made expressly subject to change or repeal by the Shareholders.

#### **ARTICLE XIV RULES OF ORDER**

- 14.1** The rules contained in the most recent edition of Robert's Rules of Order, Revised, shall govern all meetings of Shareholders, Directors and Committees of the Board where those rules are not inconsistent with the Articles, Bylaws, or special rules of order of the Corporation.

**BY:** \_\_\_\_\_  
**Alicia Booth, Secretary**

**Agenda**  
**Executive and Governance Committee**  
**Thursday, May 7, 2020**  
**9:00 am – 9:15 am**

Committee Members: Brett Blankenship (Chair), Marty Dickinson, and Ron Sims

<u>Action Items</u>	<u>Section</u>
1. Board of Regents Election of Officers ( <i>Blankenship</i> )	E-1
2. Proposed Bylaws Modification – Article 1: Officers of the Board and Faculty Representative ( <i>Schulz</i> )	E-2

# **ACTION ITEM #1**

Election of Officers  
(Brett Blankenship)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Election of Officers

**PROPOSED:** That Brett Blankenship be re-elected as Chair of the WSU Board of Regents for the year beginning July 1, 2020 and that Marty Dickinson be re-elected to serve as Vice Chair of the WSU Board of Regents for the year beginning July 1, 2020, with the understanding that she shall act as Chair pro tempore in the absence of the Chair, with the power to preside at the meetings and to sign all instruments required to be executed by the WSU Board of Regents.

**SUBMITTED BY:** Brett Blankenship, Chair, Board of Regents

**SUPPORTING INFORMATION:** Excerpt from the Board of Regents bylaws, Article I, Section 3 (Election and Appointment Process):

Election and Appointment Process. At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

## **ACTION ITEM #2**

### **Bylaws Modification – Article I: Officers of the Board and Faculty Representative (Kirk Schulz)**

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Proposed Bylaws Modification – Article I: Officers of the Board and Faculty Representative

**PROPOSED:** That the Board of Regents modify its Bylaws to reflect the practice and procedure for selection of a Faculty Representative to the Board.

**SUBMITTED BY:** Kirk Schulz, President

**SUPPORTING  
INFORMATION:** **Background**

In Fall 2018, Faculty Senate requested that a non-voting faculty member be appointed to the Board of Regents. At that time, the goal was to improve decision-making on behalf of both governing bodies by facilitating the exchange of ideas and perspectives as well as meeting shared challenges and opportunities cooperatively. During the trial period since Fall 2018, Faculty Senate representation on the Board of Regents has fostered significant improvements in dialog and transparency between the two organizations. The Faculty Senate requests that the Board of Regents adopt a proposed amendment to their bylaws, continuing and formalizing this relationship.

#### **Bylaws**

Following is an excerpt from the Board of Regents Bylaws with draft modifications:

#### **Article 1: Officers of the Board and Faculty Representative**

1. **Membership.** The governance of Washington State University (University) shall be vested in a Board of Regents (Board) consisting of ten (10) members (Regents), one (1) of whom shall be a student.
2. **Designation.** The Officers of the Board shall consist of a President, who shall also be known as the Chair of the Board (Chair), and a Vice Chair, Secretary, and Treasurer.
3. **Election and Appointment Process.** At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

The President of the University shall serve as Secretary of the Board as prescribed by RCW 28B.30.135. Secretary of the Board, where used in these Bylaws hereinafter, shall refer to the President of the University.

The Treasurer of the Board shall be the Vice President for Finance and Administration of the University, unless the Board in its discretion appoints another individual to this office.

4. **Chair.** The Chair of the Board shall preside at all meetings of the Board and shall sign all written instruments on behalf of the Board that are necessary to implement programs and policies which have been approved by the Board. The Chair of the Board shall have the authority and responsibility to perform the duties customarily attached to the office and shall have such other authority and duties as prescribed by these Bylaws, Board of Regents Policies (Board Policies), and the Board.
5. **Vice Chair.** The Vice Chair of the Board shall have the authority to perform the duties of the Chair of the Board in the event of the Chair's absence or incapacity. The Vice Chair may have such other authority and duties as prescribed by these Bylaws, Board Policies, and the Board.
6. **Secretary.** The Secretary of the Board shall not have the right to vote. The Secretary shall be responsible for giving notice of all meetings of the Board, and recording and keeping of the minutes of the proceedings of the Board; shall be the custodian of all official records of the Board; shall attest all instruments required to be signed by the Chair of the Board; and shall perform all the duties pertaining to the office and do all other things required by the Board.
7. **Treasurer.** The Treasurer shall not have the right to vote. The Treasurer shall be the financial officer of the Board and shall render a true and faithful account of all moneys received and paid out.
8. **Vacancies in Office and Removal.** In the event of a vacancy in the office of Chair, the Vice Chair shall assume the office of the Chair, serving both the

unexpired term of the Chair and the full term as Chair as provided in Article 1, Section 3, of these Bylaws. In the event of a vacancy in the office of Vice Chair, the Board shall elect a Vice Chair to complete the unexpired term of the Vice Chair. A new election is then required as provided in Article 1, Section 3.

The Chair and Vice Chair of the Board may be removed from their respective positions as an officer of the Board by a majority vote at a regular or special meeting of the Board. Removal under this paragraph shall not affect the officer's continued service as a Regent.

**9. Faculty Representative.** The Faculty Representative shall not have the right to vote but is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its committees for discussion. The Faculty Representative serves a one (1) year term, commencing on July 1. The outgoing chair of the University's Faculty Senate is the presumptive nominee to serve as Faculty Representative, subject to approval by majority vote of the Faculty Senate. If the outgoing chair is not approved by the Faculty Senate or chooses not to serve all or any part of their term, the Faculty Senate shall nominate another member of the Faculty Senate Executive Committee by majority vote. In the event that legislation is passed authorizing a faculty member to serve as a member of the Board, such legislation shall supersede and replace this section.

Attachment: Attachment A: Bylaws of the Board of Regents of  
Washington State University – Redline Copy

## Attachment A

### Bylaws of the Board of Regents of Washington State University

#### Article I: Officers of the Board **and Faculty Representative**

1. Membership. The governance of Washington State University (University) shall be vested in a Board of Regents (Board) consisting of ten (10) members (Regents), one (1) of whom shall be a student.

2. Designation. The Officers of the Board shall consist of a President, who shall also be known as the Chair of the Board (Chair), and a Vice Chair, Secretary, and Treasurer.

3. Election and Appointment Process. At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

The President of the University shall serve as Secretary of the Board as prescribed by RCW 28B.30.135. Secretary of the Board, where used in these Bylaws hereinafter, shall refer to the President of the University.

The Treasurer of the Board shall be the Vice President for Finance and Administration of the University, unless the Board in its discretion appoints another individual to this office.

4. Chair. The Chair of the Board shall preside at all meetings of the Board and shall sign all written instruments on behalf of the Board that are necessary to implement programs and policies which have been approved by the Board. The Chair of the Board shall have the authority and responsibility to perform the duties customarily attached to the office and shall have such other authority and duties as prescribed by these Bylaws, Board of Regents Policies (Board Policies), and the Board.

5. Vice Chair. The Vice Chair of the Board shall have the authority to perform the duties of the Chair of the Board in the event of the Chair's absence or incapacity. The Vice Chair may have such other authority and duties as prescribed by these Bylaws, Board Policies, and the Board.

6. Secretary. The Secretary of the Board shall not have the right to vote. The Secretary shall be responsible for giving notice of all meetings of the Board, and recording and keeping of the minutes of the proceedings of the Board; shall be the custodian of all official records of the Board; shall attest all instruments required to be signed by the Chair of the Board; and shall perform all the duties pertaining to the office and do all other things required by the Board.

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7. Treasurer. The Treasurer shall not have the right to vote. The Treasurer shall be the financial officer of the Board and shall render a true and faithful account of all moneys received and paid out.

8. Vacancies in Office and Removal. In the event of a vacancy in the office of Chair, the Vice Chair shall assume the office of the Chair, serving both the unexpired term of the Chair and the full term as Chair as provided in Article 1, Section 3, of these Bylaws. In the event of a vacancy in the office of the Vice Chair, the Board shall elect a Vice Chair to complete the unexpired term of the Vice Chair. A new election is then required as provided in Article 1, Section 3.

The Chair and Vice Chair of the Board may be removed from their respective positions as an officer of the Board by a majority vote at a regular or special meeting of the Board. Removal under this paragraph shall not affect the officer's continued service as a Regent.

9. Faculty Representative. The Faculty Representative shall not have the right to vote but is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its committees for discussion. The Faculty Representative serves a one (1) year term, commencing on July 1. The outgoing chair of the University's Faculty Senate is the presumptive nominee to serve as Faculty Representative, subject to approval by majority vote of the Faculty Senate. If the outgoing chair is not approved by the Faculty Senate or chooses not to serve all or any part of their term, the Faculty Senate shall nominate another member of the Faculty Senate Executive Committee by majority vote. In the event that legislation is passed authorizing a faculty member to serve as a member of the Board, such legislation shall supersede and replace this section.

## Article II: Meetings of the Board

1. Regular Meetings. Regular meetings of the Board shall be held pursuant to a schedule adopted yearly by resolution of the Board. There shall be no fewer than six (6) meetings scheduled on a yearly basis. Regular meetings include Board of Regents retreats scheduled in accordance with the regular meeting process. The Secretary of the Board, with the concurrence of the Chair of the Board, may cancel or change the date of any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

2. Special Meetings. The Secretary or the Chair of the Board, or a majority of the members of the Board of Regents, may call a special meeting at any time. Not less than twenty-four (24) hours before any special meeting, the Secretary of the Board shall have notified each member of the Board by written notice of the time, location, and the business to be transacted at the meeting. Such notice shall be distributed and posted, and such meeting shall be conducted in accordance with the laws of the state of Washington governing such meetings.

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3. Committee Meetings. Meetings of Board committees, as provided for in these Bylaws and in Board Policies, may be held before regular or special meetings, or at such time and such place as the Committee Chair may direct from time to time. All committee meetings shall be held in conformance with the laws of the state of Washington governing such meetings.

4. Notice and Agenda for Regular Meetings. Not less than seven (7) calendar days before any regular meeting, the Secretary of the Board shall transmit a meeting agenda to each member of the Board.

5. Addenda to the Agenda of Board Meetings. Those University officials who are authorized to bring agenda items to the Board may propose addenda to a regular meeting agenda in exceptional circumstances, such as when prompt Board attention is required and the need to place the matter on the agenda was unforeseen, with the concurrence of the Secretary of the Board. Items added to the agenda by University officials must be submitted to the Board not less than twenty-four (24) hours prior to a regular meeting. Material must be submitted through the Secretary of the Board and must be in accordance with guidelines and procedures established for the submittal of items for the agenda.

The Board may add items to the agenda of a regular meeting, and take final action upon such additions, at any time prior to the conclusion of the meeting.

The Board may add items to the agenda of a special meeting at any time prior to the conclusion of the meeting, except that final disposition may not be taken on any matter added to the agenda unless timely notice to the addition has been given as required by law.

6. Quorum. Six (6) Regents shall constitute a quorum for the transaction of business at all regular and special meetings. A majority of the Regents present must approve all items requiring action by the Board.

7. Minutes. The Secretary of the Board shall keep the minutes of all regular and special meetings of the Board. Such minutes shall be distributed with the agenda in preparation for the subsequent meeting and, following approval shall be open to public inspection in the Office of the President during regular University business hours and shall also be posted on the University's Board of Regents web page.

8. Public Meetings. Regular and special meetings of the Board and Committees shall be open to the public in conformance with the laws of the state of Washington governing such meetings.

9. Executive Sessions. During any regular or special meeting of the Board, the Board may hold an executive session to discuss matters as permitted by applicable laws of the state of Washington.

10. Communications to the Board. Any person who wishes to bring a matter to the attention of the Board may do so by submitting written communication to the Board

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at the following address: c/o Office of the President, Washington State University, P.O. Box 641048, Pullman, Washington 99164-1048.

11. Appearance Before the Board. The meetings of the Board are intended for presentation of agenda items by the Regents, President, Provost and Executive Vice President, Vice Presidents, Chancellors, **Faculty Representative**, other University officials, as requested by the President, and the Senior Assistant Attorney General for discussion and action by members of the Board. Appearance via videoconferencing or telephone is acceptable, rather than appearing in person. Additionally, time shall be provided for public comment at each Board meeting.

- A. Request to Provide Public Comment. Individuals who wish to provide public comment during a meeting of the Board must provide their name and any relevant title(s) or affiliation(s) on the sign-up sheet. The request should also set out clearly the topic to be presented.
- B. Time Allocation. The chair of the Board may reasonably limit the amount of time allocated for the public comment period for each speaker and for each issue. Public comments will take place during the scheduled public comment period. Unless otherwise indicated on the agenda or by the chair, the public comment period will be for ten (10) minutes, with a two-minute (2-minute) limit per speaker, and will occur at the end of the Board meeting.
- C. Scheduling of Speakers. Speakers who sign up in advance and who are commenting on matters before the Board will be given priority during the public comment period. Should a large number of speakers wish to speak on the same issue or topical area, the Chair of the Board may ask representatives of the group to summarize their colleagues' statements, or limit the number of speakers on a given topic. If, by virtue of time or other constraints, a speaker is not able to present his/her comments, said comments may be distributed in writing to the Office of the President for distribution to the Regents.

No University officer, faculty, staff, or other employee or student of the University shall submit any matter to the Board for official consideration except as provided by the guidelines and procedures established for the submittal of items for the agenda.

12. Guidelines and Procedures for Submittal of Agenda Items to the Board. The topics of business to be introduced at a regular or special meeting shall be included on the Agenda by observing the following guidelines.

- A. Agenda items may be submitted only by an appropriate University official as follows: *Regents, President, Provost and Executive Vice President, Vice Presidents, Chancellors, **Faculty Representative**, other University officials as requested by the President, and the Senior Assistant Attorney General.*
- B. All items submitted to the Board for action must first be submitted to and discussed by the appropriate Committee, as provided in Article III of these

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Bylaws, at least one (1) Committee meeting prior to the meeting at which action will be requested, except:

(1) Items of a routine nature may be discussed by the appropriate Committee and brought before the Board at the same meeting in which action will be requested; and

(2) The Board Chair may suspend the requirement outlined in this Subsection as to any action item brought before the Board.

C. The Board may make use of a consent agenda for any item that the Board has determine to be “routine” or matters about which the Board commonly concurs. Items on the consent agenda will not be discussed prior to action. However, if any Board member believes that any item on the consent agenda requires discussion, that Board member may remove the item from the consent agenda merely by requesting the same.

D. All items to be included in the agenda must be submitted in writing no later than ten (10) days prior to the Board meeting to the Secretary of the Board, who shall be responsible for preparation and distribution of the Agenda, except as otherwise allowed by Article II, Section 5 of these Bylaws.

13. Rules of Procedure. *Robert's Rules of Order*, latest revised edition, shall govern all meetings of the Board, except where such rules of order are superseded by these Bylaws, Board Policies, or applicable statutes or regulations.

### Article III: Committees of the Board

1. Standing Committees of the Board. In addition to an Executive and Governance Committee, the Board will have standing committees to consider matters and address issues in the following areas, including but not limited to: Research, Academic Affairs, Student Affairs, Finance and Administration, Compliance and Audit, Athletics, Infrastructure, Strategic Planning, Government Affairs, and Institutional Advancement. Through the Committees, Board members explore critical governance issues and communicate with University administration and others who share in the governance of the University. Detailed committee charters are set forth in Board Policies.

No Committee may act on behalf of the Board on matters requiring Board action, except for the Executive and Governance Committee in emergency situations as noted in the Executive and Governance Committee Charter. All Committees shall refer such matters to the Board for appropriate action in a regular or special meeting.

Following Board elections, as outlined in Article I, Section 3, the Chair of the Board shall make Committee appointments, including an appointment of a chairperson to each of the Committees. Each Committee shall consist of at least three (3) members, including the Committee chairperson and a member of the Executive Committee. The student Regent shall serve on the Student Affairs and Student Life Committee, and may serve on any other committee, as appropriate. The President shall appoint ex officio members from among the officers of the University who, in consultation with the Committee chairs, shall

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be responsible for development of Committee agendas and for making recommendations to the Board.

2. Ad Hoc Committees of the Board. Ad hoc committees may be established by the Chair, from time to time, as he or she may deem necessary or advisable to handle specific tasks or objectives in fulfillment of duties and responsibilities of the Board. However, such ad hoc committees shall refer all matters for action to the full Board, unless such authority has been expressly delegated to the ad hoc committee.

### Article IV: Officers of the University

1. University President. The University President shall be appointed by the Board (excluding the student Regent) and shall serve at the pleasure of the Board. The University President shall be the chief executive officer of the University and shall be responsible directly to the Board for the management and conduct of all the affairs of the University except those which have been reserved by the Board or which by law, these Bylaws, or other policies or orders of the Board are the specific responsibility of other persons or bodies. The University President is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its Committees for discussion.

2. Other Officers. The University President is the delegated authority to appoint the University's Provost and Executive Vice President, Vice Presidents, Deans, Chancellors, and other officers as may be necessary for assistance in efficiently carrying out the responsibilities of the chief executive officer of the University. All such officers of the University shall be under the general supervision of and shall exercise such powers and duties as may be prescribed by the University President.

### Article V: Faculty **Senate**, Staff, Student, Alumni, and Foundation Representatives

1. The Chair of the Faculty Senate, the Chair of the Administrative Professional Advisory Council, the President of the Graduate and Professional Student Association, the President of the Associated Students of Washington State University for a particular campus (as determined by the Board Chair), the President of the Alumni Association, and the Chair of the WSU Foundation Board of Governors shall periodically report, as a representative of their respective organizations, to the Board of Regents at its public meetings.

2. The President or Chair of each of these organizations may designate the Vice President or Vice Chair, or the University Vice President responsible for that area, to represent him or her at the meetings of the Board, but may not designate any other person.

3. Participation is at the expense of the organizations of the aforementioned representatives and not an expense obligation of the Board. Appearance via videoconferencing or telephone is acceptable, rather than appearing in person.

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4. Notice of public meetings shall be given to such representatives in the same manner as notice is given to members of the Board.

5. Not less than five (5) days before any regular meeting, the Secretary of the Board shall transmit to each representative a final Agenda setting forth the matters that are to be considered at the meeting.

6. Such representatives shall be entitled to speak during the public meeting through scheduled presentations to the Board as set forth in the Board of Regents meeting Agenda. The representatives shall not be entitled to vote on matters brought before the Board.

7. Prior to any meeting at which a representative is scheduled to speak, the representative of each group shall submit a one-page (1-page) report to the Board to be included in the Agenda in accordance with the guidelines for submittal of Agenda material as outlined in Article II, Section 12, of these Bylaws.

### Article VI: Exercise of Powers

1. Suspension of the Bylaws. Any provision of the Bylaws may be suspended in connection with the consideration of a matter before the Board by a majority vote of the members of the Board.

2. Student Regent. The student regent shall excuse himself or herself from participating in or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel per RCW 28B.30.100.

### Article VII: Board of Regents Policies.

1. Policies. The Board may adopt Board Policies, not inconsistent with these Bylaws, for the governance of the University and the regulation of the business of the Board. Except as otherwise specified in a particular Board Policy, the Board may amend or repeal any Board Policy in whole or in part at any meeting of the Board.

### Article VIII: Amendments

1. Procedure. These Bylaws may be amended at any regular or special meeting of the Board by the affirmative vote of a majority of the Regents, as defined in Article II, Section 6, of these Bylaws.

### Article IX: Special Provisions Relating to Regents

1. Compensation and Expenses. No Regent shall receive a salary or compensation for services as a Regent. Regents shall be reimbursed for actual expenses

## **Attachment A**

incurred by reason of attendance at any meeting of the Board or in the performance of other official business of the University in accordance with RCW 43.03.050 and 43.03.060 and any Board Policy addressing the same.

**Agenda**  
**Research and Academic Affairs Committee**  
**Thursday, May 7, 2020**  
**9:15 a.m. – 9:30 a.m.**

Committee Members: Ron Sims (Chair), Brett Blankenship, Enrique Cerna, and Ted Baseler

**Information Item**

**Section**

- |    |  |     |
|----|--|-----|
| 1. | Faculty Manual Changes Approved Under Delegated Authority ( <i>Slinker</i> )         | R-1 |
|    | a. Section III.G – Emeritus Faculty Appointment                                      |     |
|    | b. Section III.C.6.j – Family Leave and Tenure Clock                                 |     |
|    | c. Sections I.A – Faculty Structure and III.E -Termination – Tracks and Appointments |     |
|    | d. Sections IV.G – Patent Policy and IV.J. Trademarks – Trademarks and Royalties     |     |

**Future Action Items**

- |    |   |     |
|----|---|-----|
| 1. | Establish a Bachelor of Science in Viticulture and Enology ( <i>Slinker</i> ) | R-2 |
| 2. | Establish a Master of Science in Kinesiology ( <i>Slinker</i> )               | R-3 |

# INFORMATION ITEM #1

## Faculty Manual Changes Approved by the President Under Delegated Authority (Bryan K. Slinker)

### Changes to the Faculty Manual

The Faculty Senate recommended approval of the following changes to the *Faculty Manual*.

- Section III.G. - Emeritus Faculty Appointment
  - A redline copy of the change as presented to the Faculty Senate is attached.
- Section III.C.6.j - Family Leave and Tenure Clock
  - A redline copy of the change as presented to the Faculty Senate is attached.
- Sections I.A - Faculty Structure and III.E Termination - Tracks and Appointments
  - A redline copy of the change as presented to the Faculty Senate is attached.
- Sections IV.G. Patent Policy & IV.J. Trademarks
  - A redline copy of the change as presented to the Faculty Senate is attached. The marked-up version reflects the dynamic nature of these guidelines and memorializes the locations where they can be obtained. In addition, clarifications are made to the distribution policies for unprotected varieties and biological materials.

The recommendations were passed by the Faculty Senate on March 5, 2020 and March 26, 2020 and approved by President Kirk Schulz under delegated authority on April 20, 2020.

## III G. Emeritus Faculty Appointment

### 1. Eligibility

Emeritus rank is granted in recognition of service to Washington State University.

To be eligible, faculty must be either age sixty or older with ten or more years of service at the University or have completed twenty-five (25) or more years of service to the University, AND have held an eligible ~~non-tenure~~career or tenure track rank at Washington State University for a period of at least five (5) years prior to leaving the University.

Upon retirement, the chair or director will inform Human Resource Services to assign the eligible retiring faculty members ranks to emeritus faculty rank. Human Resource Services will note this designation on the retirement Personnel Action Form (PAF), if the assignment has occurred by the time the form is initiated.

### 2. Notification of Granting of Emeritus Rank

A letter of recognition will be sent by the provost to each faculty retiree named to an emeritus rank.

### 3. Privileges of Emeritus Rank

The Emeritus rank shall entail continued campus courtesies including the options to

- 1) use library and recreational facilities;
- 2) receive publications sent to active faculty and members of the Alumni Association;
- 3) participate in contract, grant, and other scholarly endeavors;
- 4) negotiate with academic chairs or directors for office space, laboratory space, and computer (retain internet, e-mail, and other cloud services available to faculty at large) and facility access as available;
- 5) participate in academic convocations, commencements and other academic endeavors; and
- 6) request that their names be retained in the University catalog until their death.

Emeritus Faculty may have other privileges accorded to the faculty that are defined elsewhere in the Faculty Manual or in other university, college, and/or unit documents (e.g. bylaws for individual colleges or graduate programs). However, those privileges do not include voting privileges for tenure/promotion, hiring, or election of faculty senate representatives. Emeritus Faculty must adhere to The Ethics in Public Service Act (RCW 42.52).

Emeritus faculty status is the last earned rank that will be accorded to eligible faculty upon their retirement. Emeritus faculty are encouraged to remain an important part of the University. Department chairs and unit directors are encouraged to assist emeritus faculty in maintaining a continuing relationship with the department, school, college, and University as is feasible and mutually acceptable. ~~“The Ethics in Public Service Act (RCW 42.52) provides that state employees cannot use state resources for personal benefit or their state positions to obtain special privileges.”~~

#### 4. Management of space and other resources used by Emeritus Faculty

As noted in section III.G.3.4), Emeritus faculty may negotiate with academic chairs or directors for the use of institutional resources. The appropriate chair/director shall be responsible for overseeing the activities of emeritus faculty granted access to institutional resources. The appropriate chair/director shall be responsible for executing all faculty/PI activities outlined in the appropriate sections of the BPPM and SPPM including, but not limited to, BPPM 50.20, Access to University Facilities, and relevant Chapters within SPPM Section 4, Laboratory Safety, including SPPM 4.12, and Section 5, Chemical Hazardous Materials Safety. The chair/director will communicate and coordinate with the Emeritus Faculty member to ensure compliance with all relevant lab safety and health WSU policies and procedures and related federal, state, and local laws.

Chairs and Directors will review emeritus faculty access to institutional resources and privileges at the beginning of each biennium or more frequently, as needed to make modifications based upon the mutual benefit to WSU and emeritus faculty. Renewal of access to institutional resources, such as space, is not guaranteed.

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j) *Tenure Clock Extensions*

The tenure period is negotiated at the time of hire, however under certain circumstances, an extension of the tenure period and/or the intensive (i.e., 3<sup>rd</sup> year) review may be granted under certain circumstances as described below. ~~requested with approval of extensions at the discretion of the provost. Approved extensions are one year in duration for full time faculty with part time faculty receiving an extension commensurate with the appointment level. The tenure clock may be extended and/or the intensive review postponed for (i) extraordinary circumstances such as an unanticipated lack of available resources, serious illness or family emergency, (ii) birth, adoption or fostering (i.e., 12 months of foster care) of a child, and/or (iii) elder or dependent care when the faculty member is a caregiver. Requests for an extension for these reasons will be routinely granted by the provost, although normally, a maximum of two extensions will be permitted.~~

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~~Requests for an extension must be made prior to September 1<sup>st</sup> of the year of the scheduled tenure and/or intensive review and must be accompanied by supporting documentation. A tenure clock extension and/or intensive review postponement should be requested through the faculty member's immediate supervisor, such as the chair or director, followed by the dean and campus VCAA (dependent on college and WSU campus), with final routing to the provost. The provost makes the final decision to grant or deny the requested tenure extension and/or intensive review postponement.~~

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~~The option to request an extension for the tenure candidacy period or postpone the intensive review will be available regardless of the number of weeks of leave taken by the faculty member. The request for an extension of the tenure probationary period is optional and at the discretion of the faculty member.~~

- 1) Faculty members on the tenure track may request a one-time term extension for extraordinary circumstances, such as an unanticipated lack of available resources, serious illness, family emergency, and/or elder or dependent care when the faculty member is a caregiver. Requests for an extension should be in writing in the form of a memo signed by both the petitioning faculty member and Department Chair. All such requests will be granted at the discretion of the appropriate Dean with the approval of the Provost. Approved extensions will be one year in duration for full-time faculty with part-time faculty receiving an extension commensurate with appointment level.
- 2) Full-time faculty members on the tenure track who become a parent of a child or multiples by birth, adoption, or fostering (i.e. 12 months of foster care, but not necessarily contiguous) will automatically be granted a one-year extension of the tenure clock when the faculty member is a caregiver. For each subsequent child, a faculty member may request an additional extension for a maximum of two (2) separate extensions of the tenure period. When both parents are members of the faculty and share equally in care giving responsibilities, each parent will be granted a one-year extension. Extension periods cannot be combined (e.g., one child with a single three-year extension).

Faculty may elect to opt out of the automatic extension of the tenure period granted for childbirth, adoption, or fostering. It is recommended that the faculty should notify the appropriate Dean, Director, or Department Chair of the birth, adoption, or fostering via memo preferably six months prior to the arrival of the child. Faculty electing to take advantage of the one-year extension are also

required to take parental leave and apply for FMLA which is counted towards the one-year extension. The Dean should notify the Provost's Office immediately so the proper records for the promotion case are maintained.

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An extension for the tenure candidacy period or postponement of the intensive review will be available regardless of the number of weeks of annual leave taken by the faculty member. The standards for tenure and promotion remain the same for faculty who have been granted a tenure clock extension and/or an intensive review deferral. -Even though a faculty member may be given a longer period of time in which to meet these standards, the faculty member should be held to the same performance standards as a faculty member who has not received an extension. However, when the Department Chair, Dean or Director requests materials for consideration of promotion and/or tenure by external reviewers, it should be made clear that the length of time between milestones should not be taken into consideration.

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## B.A. Faculty Structure

The faculty and staff include all employees, except student and non-student temporary hourly employees, of Washington State University, regardless of their location, who have received official appointments. There are three classifications of employees: faculty, administrative and professional personnel, and civil service personnel. ~~Affiliated personnel who hold adjunct-short-term appointments with academic responsibilities (e.g. lecturer, adjunct and adjoint faculty, etc.) are considered nonvoting members of the faculty. Whenever questions arise about the classification of a faculty member, the final decision will be made by the provost in consultation with the administrative officers concerned.~~

### 1. The Faculty

The faculty includes academic faculty, extension faculty, library faculty, and short-term faculty. ~~Historically, additional faculty titles were used and faculty members with these titles retain their faculty status. The statutory duty of the faculty, which may not be delegated, is to recommend to the Board of Regents the candidates for suitable degrees and certificates.~~

#### *a) Definitions*

A faculty member's APPOINTMENT (also known as "job profile" or "position") is for internal use within the university. It outlines more or less broadly a faculty member's position responsibilities. Therefore, it also provides a framework or set of guidelines by which a faculty member will be evaluated for annual review and promotion. (More specific criteria for annual review and promotion within a track and sub-track will be determined by the school or department, and college.)

A faculty member's appointment consists of the *category* (academic, library, extension), *track* ~~(and sub-track for career track academic or extension faculty)~~ tenure, career, or short-term, *status* (e.g., tenured, visiting, or adjunct), ~~and rank~~ of the faculty member, and the *unit* in which the faculty member is assigned. In the case of career track and extension faculty, a faculty member's appointment will also include an internal sub-track designation. Sub-track designations are intended for internal use - i.e. at the program, department, college, and/or university levels.

A faculty member's "working title" (also known as a "business title") is how a faculty member's position at WSU is communicated externally - e.g. on WSU web pages, program documents, letterhead, email signatures, etc. For the purposes of external communication and identification, each college must determine appropriate working titles for faculty by choosing from the options described under each track and sub-track.

#### (1) Faculty Categories

All faculty *categories* defined below are afforded equal rights and privileges. The various faculty categories, which are not mutually exclusive, are defined as follows:

(a) Academic Faculty

The academic faculty consists of ranked faculty assigned to degree-granting units or the Honors College.

(b) Extension Faculty

The extension faculty consists of ranked faculty assigned to Extension, Continuing Education or Public Service.

(c) Library Faculty

The library faculty consists of ranked faculty assigned to Libraries.

(2) Faculty Tracks

The faculty *tracks* include the tenure track (Section I.B.1.b) the career track (Section I.B.1.c) and the short-term track (Section I.B.1.d).

Faculty in all tracks must always be assessed in accordance with their assignment (e.g., expectations relative to research/scholarship and/or creative activity must be concordant with the percentage of the faculty member's appointment assigned to these areas.)

(3) Faculty Ranks

The *ranks* for academic and extension faculty in the tenure and career tracks include Assistant Professor, Associate Professor, and Professor. Additionally, the rank of Regents Professor is included as the highest possible rank for faculty in the tenure track. The ranks for library faculty include Librarian 2, Librarian 3, and Librarian 4. Librarian 4 is the highest rank.

b) *Tenure-Track Faculty*

(1) Pre-tenure and Tenure Contracts

Tenure-track faculty may hold pre-tenure or tenured contracts.

Pre-tenure contract. The faculty member is on probation during the time prior to consideration for tenure. At a time specified in the offer letter, the University will decide whether or not to grant tenure.

Tenure contract. Upon attaining tenured status, the faculty member shall continuously hold appointment with WSU until retirement, resignation, or termination pursuant to the terms of the *Faculty Manual* Section III.E.

(2) Academic Faculty

Academic faculty have significant responsibilities in the following areas: (1) research/scholarship and/or creative activity, (2)

teaching, and (3) academic service. In some units, tenure-track “academic faculty” may also play a significant role in the important missions of clinical service/practice and/or community outreach (e.g. extension.) Importantly, a faculty member in the tenure track is expected to establish and maintain a record of productivity and achievement in research, scholarship, or creative activity. Faculty in this track are also expected to meet the expectations of their college and department regarding the quantity and quality of their teaching, academic service, and (if applicable) clinical service/practice.

Appointments are as Positions are pre-tenured or tenured with the rank of Assistant Professor, Associate Professor, or Professor; tenured or pre-tenure. A tenure-track faculty member’s working title is similarly Assistant Professor, Associate Professor, or Professor. Colleges may opt to further externally identify tenure-track faculty externally as tenured, tenure track, “accepting graduate students”, “research active”, etc.

A terminal degree is normally required. Alternative credentials will be approved in consultation with unit faculty, by the administrative head and / (if appropriate), and ultimately by the provost ~~or chancellor~~. A faculty member hired as an Assistant Professor who arrives without having completed their terminal degree will normally may be given a maximum of one year to finish their degree and a position with a Lecturer title until they finish their degree.

### (3) Library Faculty

Library faculty have primary responsibilities centered on library services for the university community, research, scholarship, and service.

Positions are pre-tenured or tenured with the rank of Librarian 2, Librarian 3, or Librarian 4.

A terminal degree is normally required. Alternative credentials will be approved in consultation with unit faculty, by the administrative head and chancellor (if appropriate), and ultimately by the provost ~~or chancellor~~. A faculty member hired as a Librarian 2 who arrives without having completed their terminal degree will normally may be given a maximum of one year to finish their degree and a position with a Lecturer title until they finish their degree.

(4) Extension Faculty

Extension faculty are responsible for extending the research and knowledge bases of Washington State University to communities of place and practice across the state. ~~Extension faculty in the tenure track are expected to establish and maintain a record of productivity and achievement in research, scholarship, or creative activity. Depending on their appointment, extension faculty may also be involved in significant teaching and/or student advising.~~

~~Appointments are as Assistant Professor, Associate Professor, or Professor; tenured or pre-tenure. A tenure-track faculty member's working title is similarly Assistant Professor, Associate Professor, or Professor. Colleges may opt to further identify tenure-track extension faculty externally based on their specific extension roles. Positions are pre-tenured or tenured with the rank of Assistant Professor, Associate Professor, or Professor.~~

~~A terminal degree is normally required. Alternative credentials will be approved in consultation with unit faculty, by the administrative head, and by the provost or chancellor. A faculty member hired as an Assistant Professor who arrives without having completed their terminal degree will normally be given a maximum of one year to finish their degree and a position with a Lecturer title until they finish their degree. Extension faculty must hold an appropriate terminal or professional degree and/or demonstrate relevant experience and success in their field that is recognized by their discipline and/or college as appropriate for the position. Credentials and/or appropriate experience will be approved in consultation with unit faculty, by the administrative head and chancellor (if appropriate), and ultimately by the provost.~~

c) Career-Track Faculty

(1) Contracts (Continuous, Fixed Term, Contingent) ~~for Career Track Faculty~~

~~Non-tenure eCareer-track~~ faculty appointments may be divided into three categories: (a) Fixed **one (1) to five (5) year** term appointments with specific end dates determined by the nature of the assigned task, funds, or contracts; (b) contingency appointments, with end dates, in which continued employment is determined by contingencies (indefinite term); and (c) continuous appointments.

~~Career-track faculty may hold continuous, one (1) to five (5) year fixed term (with or without a rolling horizon), or contingent contracts. Career-track faculty may be reappointed upon satisfactory evaluation as measured by annual performance review with the possibility for fixed term contracts to be converted into rolling horizon contracts of up to five (5) years or continuous contracts, based on college/department needs. A; a one-year terminal appointment may be given prior to completion of a longer term if the annual review is below satisfactory.~~

(a) Fixed Term Appointment Definition

A faculty member with a ~~fixed-term~~ contract holds an appointment that ends on a specific date. ~~Reappointment is dependent upon mutual agreement, needs of the unit, college, or university, renewal of funding or contracts, extension of the assigned tasks, and positive action taken to reappoint the incumbent. The offer of such a position implies no obligation on the part of the University to continue employment beyond the termination date of the temporary-fixed-term appointment; such decisions lie solely within the University's discretion.~~

Types of fixed term appointments are contracts for a specified period, teaching positions to cover unexpected enrollments in courses, visiting faculty appointments, grant-funded positions, summer appointments, adjunct and non-service appointments, appointments to teach courses offered through Extended University Services, exchange faculty appointments, appointments of persons who have not attained permanent visas or citizenship, research associate positions, internships, and positions occurring because of permanent employees' leaves or separations.

(b) Contingency Appointment Definition

For a faculty member with a contingent appointment, in addition to termination dates, hiring actions for contingency appointments include a statement that continuing employment is contingent upon specific qualifications. If the contingency specifies a date by which some action must be complete and if the specifications are not met, the University has no obligation to the employee beyond the contingency date. Employees hired on one- to three-year contracts are in this category, as are employees holding

temporary visas who will become eligible for permanent positions upon requisite changes in immigration status.

(c) Continuous Appointment Definition

A faculty member with a continuous appointment holds an appointment with no contractual end date. ~~Continuous appointment faculty may be terminated with or without cause.~~ Continuous appointment contracts may be terminated in accordance with Washington state and federal contract law and notification requirements based on length of employment (as defined in Section III.E).

(d) Hiring Policies and Procedures

Information regarding recruitment, including special circumstances for grant employees, periodic advertisement to establish temporary applicant pools, and details regarding adjunct and visiting appointments may be found in the BPPM 60.11 and/or the Faculty Recruitment Toolkit found on the Human Resource Services website ([hrs.wsu.edu](http://hrs.wsu.edu)). ~~Office for Equal Opportunity Recruitment Manual.~~

(2) Sub-tracks for Academic or Extension Faculty

~~The responsibilities for career track academic or extension faculty should fall into one of the following designations (sub-tracks): Clinical, Scholarly, Research, or Teaching.~~

~~Career-track appointments must should include a specified sub-track title designation in the appointment/job profile (e.g., Clinical, Research, Scholarly, Teaching or Extension sub-track) *clinical* assistant professor, *research* associate professor, or *teaching* professor).~~ See the options under each sub-track for how these sub-track designations may be communicated externally via a faculty member's working title (see also above Faculty Structure – Definitions, Faculty Manual Section I.A.1.a). All sub-tracks and working titles should be listed in the college's tenure and promotion guidelines.

All career-track appointments should align with current Washington Administrative Code Regulations (WAC 250-61-100).

~~Appropriate department-specific working titles for each of the appointments within the career track do not have to include the track or sub-track designation and may be determined by each~~

college. For example, colleges may elect that working titles be listed simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track. ~~All working titles should be listed in the college's tenure and promotion guidelines.~~

(a) Clinical Sub-track

Clinical faculty are those whose primary responsibilities are clinical practice and/or the supervision and clinic-based instruction of professional students, interns, residents, and/or fellows. Many, but not all, will have significant expectations in one or more of the following areas: (a) research, scholarship, or creative activity, (b) teaching, (c) outreach, (d) educational leadership, (e) administration, or (f) academic service. For example, these faculty may also play a role in the pre-clinical/pre-clerkship phases of the professional curriculum and/or perform clinical research. Promotion in this sub-track is based on significant achievement and/or a national/international recognition for excellence in clinical practice, teaching, educational leadership, and/or scholarship.

For working titles and external communication, colleges may choose from 3 options: (1) simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track; (2) as assistant professor, associate professor, or professor followed in parentheses by either the designation Career Track or 'CT', with no mention of sub-track – e.g. Associate Professor (Career Track); or (3) as Appointments are as Clinical Assistant Professor, Clinical Associate Professor, or Clinical Professor.

(b) Research Sub-track

Faculty in the research sub-track are in non-tenure track research appointments who predominantly conduct research, scholarship, or creative activity and who may serve as principal or co-principal investigators on grants or contracts administered by the university. Typically, the institution has made a commitment of office and research space. Start-up funds and salary may be provided. However, departments and colleges may expect these

faculty members to provide all or significant portions of their own salary through extramural funding. The terms for start-up, space, and salary will generally be negotiated during the hiring process, although those terms can be renegotiated by the institution or the faculty member. In general, these faculty will have no significant teaching or service expectations unless those responsibilities are negotiated and commensurate funding support is provided. Promotion in this sub-track is typically based on traditional measures of research or scholarship, i.e., publication, extramural funding, and national or international reputation.

- For working titles and external communication of faculty in the research sub-track, colleges may choose from 3 options: (1) simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track; (2) as assistant professor, associate professor, or professor followed in parentheses by either the designation Career Track or 'CT', with no mention of sub-track – e.g. Associate Professor (Career Track); or (3) Appointments are as-as Research Assistant Professor, Research Associate Professor, or Research Professor.

(c) Scholar Sub-track

Faculty in the scholar sub-track are those who have significant responsibilities in at least two of the following areas: (a) teaching, (b) student advising, (c) research or scholarship, (d) creative activity, (e) outreach, (f) practice, (g) educational leadership, (h) administration, or (i) academic service. Most faculty in this sub-track will have a significant teaching or student advising responsibility. However, carrying a large teaching or advising load and receiving good student ratings is not sufficient for promotion in this sub-track. Applicants for promotion are expected to demonstrate a scholarly approach to teaching, evidence of teaching effectiveness, and achievement or recognition in one or more of the additional areas (e.g., research/scholarship, educational leadership, outreach, etc.).

For working titles and external communication, colleges may choose from 2 options: (1) simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track; or (2) as assistant professor, associate professor, or professor followed in parentheses by either the designation Career Track or 'CT', with no mention of sub-track – e.g. Associate Professor (Career Track). Appointments are as Scholarly Assistant Professor, Scholarly Associate Professor, or Scholarly Professor. The scholar sub-track designation is intended only for internal use (i.e. at the program, department, college, and/or university levels) and ordinarily should not be employed on program, department, college and/or university websites or documents.—.

(d) Teaching Sub-track

Faculty in the teaching sub-track are those whose primary responsibility is teaching or student advising ~~and~~ with little or no additional expectations in research, scholarship, creative activity, leadership, or academic service. Faculty with a teaching appointment will often have large teaching commitments according to their assignment and contract.—. In some colleges, teaching may involve teaching in a clinical setting. Promotion criteria will be determined by the department and college but should include evidence of teaching effectiveness and innovation.

For working titles and external communication, colleges may choose from 2 options: (1) simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track; or (2) as assistant professor, associate professor, or professor followed in parentheses by either the designation Career Track or 'CT', with no mention of sub-track – e.g. Associate Professor (Career Track). Appointments are as Teaching Assistant Professor, Teaching Associate Professor, or Teaching Professor. The teaching sub-track designation is intended only for internal use (i.e. at the program, department, college, and/or university levels) and ordinarily should not be employed on program, department, college and/or university websites or documents.—.

(3) Library Faculty

Career-Track library faculty have primary responsibilities centered on library services for the university community, research, scholarship, and service. -The duties of career-track library faculty may be more specialized than those of tenure-track library faculty.

Positions are as Librarian 2.

(4) Extension Faculty

Career-Track extension faculty are responsible for extending the research and knowledge bases of Washington State University to communities of place and practice across the state. -As part of their outreach and engagement activities, extension faculty may do considerable teaching, most often in off-campus and/or informal settings. -However, some extension faculty will teach credit courses.

For working titles and external communication, colleges may choose from 2 options: (1) simply as assistant professor, associate professor, or professor, with no mention of tenure track versus career track, or sub-track; or (2) as assistant professor, associate professor, or professor followed in parentheses by either the designation Career Track or 'CT', with no mention of sub-track – e.g. Associate Professor (Career Track). Appointments are as career track faculty with designated sub-track as Clinical, Research, Scholarly, or Teaching and with the rank of Assistant Professor, Associate Professor, or Professor. Colleges may opt to further identify career-track extension faculty externally based on their specific extension roles.

d) Short-term Faculty

Short-term faculty may hold one-semester to three (3) year fixed term or contingent contracts (defined in I.B.1.c.(1)). -The equivalent of a master's degree or higher is normally required. -Alternative credentials will be approved in consultation with unit faculty, by the administrative head and chancellor (if appropriate), and ultimately by the provost ~~or chancellor~~. The responsibilities and appointments for short-term faculty fall into one of the following designations:

(1) Lecturer

A Lecturer position is considered non-permanent or part time and is typically a short-term teaching contract. - A lecturer's primary responsibility is teaching, including In some colleges, a lecturer's

teaching may be or involve teaching in a clinical setting—. These appointments can be renewed indefinitely at the discretion of the University. After 3 consecutive years, a lecturer with an academic year appointment of > 0.4 FTE should ordinarily be moved into a career-track appointment presuming the faculty member meets the hiring unit's publicly-established minimum requirements for such a track.

The Lecturer title is also may also be used for faculty hired as assistant professors who arrive without having completed their terminal degree requirements. -Such faculty members are expected to complete the terminal degree during the first year of appointment or be given a terminal appointment for the second year.

(2) Visiting Faculty

Visiting faculty are fixed-term appointees who are faculty members or professionals from another institution for purposes of teaching, collaboration, or research. -They are normally expected to return to their own institutions at the expiration of the appointment and are appointed as visiting faculty. -Whenever a department plans to employ or host a foreign professor, researcher, or scholar, it is important to contact the Office of International Programs regarding arrangements for the appropriate immigration status. Refer to the HRS website for appropriate titles and hiring guidelines.

(3) Adjunct Faculty

Adjunct faculty are faculty who may hold positions with employers other than WSU and are appointed temporarily to WSU faculties—.

Adjunct faculty provide various types of service or teaching within individual colleges according to established criteria and may serve on graduate committees as graduate faculty as indicated by graduate program bylaws. -They are appointed as adjunct faculty—.

After 3 consecutive years, an adjunct faculty member with a WSU academic year appointment of > 0.4 FTE should ordinarily be moved into a career-track appointment, presuming the faculty member meets the hiring unit's publicly-established minimum requirements for such a track.

(4) Adjoint Faculty

Adjoint faculty are faculty who may hold positions with employers other than WSU and are appointed temporarily to WSU faculties—.

Adjoint faculty provide various types of research, scholarship, or creative activity within individual colleges according to established criteria and may serve on and co-chair graduate committees as graduate faculty as indicated by graduate program bylaws. -They are appointed as adjoint faculty. After 3 consecutive years, an adjoint faculty member with a WSU academic year appointment of > 0.4 FTE should be reviewed biennially by the chair, dean, and departmental faculty for potential transfer into a career-track appointment, presuming the faculty member meets the hiring unit's publicly-established minimum requirements for such a track.

(5) Affiliate Faculty

Affiliate faculty are comparable to an adjunct appointment except that the person is already a WSU employee (faculty or administrative professional) and has been invited to serve in a faculty role in a program other than the one paying their salary. They are appointed as affiliate faculty.

(6) Research Associate

Research associates are faculty in short-term appointments who support the research being conducted at the University. -Positions may also include research, scholarship, creative activity, teaching, administration, outreach, or service. After 3 consecutive years, a research associate with a WSU academic year appointment of > 0.4 FTE should be reviewed biennially by the chair, dean, and departmental faculty for potential transfer into a career track.—.

(7) Postdoctoral Research Associate/Fellow

Postdoctoral research associates are persons who have received a doctoral degree (or equivalent) and are engaged in a temporary and defined period of mentored advanced training to enhance the professional skills and research independence needed to pursue his or her chosen career path~~earned a doctorate and are employed temporarily to support research.~~ -Most research post-docs are funded using extramural funds. Postdoctoral research associates should receive active and ongoing mentoring from one or more designated advisors throughout their post-doctoral period.

(8) Postdoctoral Teaching Associate/Fellow

Postdoctoral teaching associates are persons who have received a doctoral degree (or equivalent) and are engaged in a temporary and defined period of mentored training related to teaching and pedagogy to allow them to prepare for a career devoted primarily to teaching or a career in which teaching will be a primary

responsibility. A teaching postdoctoral associate will be appointed for a two-year term with the possibility of one two-year renewal. Postdoctoral teaching associates should receive active and ongoing mentoring from one or more designated advisors throughout their post-doctoral period.

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## Section III.E. Termination of Employment

### E. Termination Of Employment

A faculty member’s employment at the University may be terminated in any of the following ways:

1. Non-reappointment

Terminal Appointments (Fixed Term) and Contingent (Indefinite Term) Appointments.

For a faculty member with an appointment carrying a terminal date, the appointment ends on the specified terminal date, unless positive action is taken to reappoint that faculty member. ~~It is recommended that the faculty member’s administrative head send out a courtesy notice of non-reappointment. If a contract will not be renewed, it is strongly recommended that the faculty member’s administrative head communicate directly with the faculty member as early as possible and provide written notification of non-reappointment.~~

Continuous Appointments.

For a faculty member with an appointment with no contractual end date, employment may be terminated ~~at any time consistent with their employment contracts and this section, with or without cause. A non-reappointed faculty member will be advised in writing by the administrative head as soon as it has been decided that the appointment is not to be renewed. This decision shall be made by the administrative head with the approval of the appropriate appointing authority, consistent with their contract in accordance with Washington state and federal contract law and this section, including the notification requirements described below. Reasons that a contract may be discontinued include but are not limited to budgetary constraints, changes in enrollment, organizational restructuring, and the failure to meet performance expectations. -A faculty member whose contract that will not be continued will be advised in writing by the administrative head and/or supervisor/appointing authority (i.e. Dean or Chancellor) as soon as possible after it has been decided that the appointment is not to be renewed.~~ This notification will be given to the faculty member in accordance with the following:

Type of Appointment	Year of Employment	Minimum Advance Notice in Calendar Months
Annual (twelve-month)	1	3
Annual (twelve-month)	2	6
Annual (twelve-month)	3 or more	12
Academic (nine-month)	1	3*
Academic (nine-month)	2	6*
Academic (nine-month)	3 or more	9*

\*Excluding three summer months

These notice provisions shall not apply in situations involving extraordinary circumstances, such as financial exigencies or elimination of function.



## GOALS

- Define the terms **appointment** and “**working title**” and clarify how those terms were intended to be used.
- More clearly define the options that colleges have in choosing how they will communicate faculty working titles externally – including the use of track and sub-track information.
- Address (as fairly and clearly as we can) faculty concerns regarding the teaching and scholar sub-tracks – including the expressed concern that a teaching designation in a title might be viewed unfavorably.
- Provide a means by which the unique expertise and roles of extension faculty might be communicated externally. The goal here is to create a space for further exploration and decision making.
- In the name of fairness and protection for contingent faculty in short term appointments, designate a minimum FTE ( $\geq 0.4$ ) and time frame (3 consecutive years) above and after which such faculty should be moved into career track appointments.
- Using the current NSF language, more clearly and thoroughly define the appointment of postdoctoral fellow/associate. *(Further discussion and work are needed to decide whether post-docs should remain in the short-term faculty category, or be moved to a newly created category that might more accurately reflect their transitional and less independent “pre-faculty” role.)*
- Communicate to all our full recognition that this remains a work in progress – and that further revisions may be proposed in the near and/or distant future as experience is gained and circumstances change.
  
- **ADDITIONAL GOALS**
  - ✓ Clarify the degree expectations and means for approving alternative credentials for extension faculty.
  - ✓ Revise the provocative language regarding termination of continuous contract career track faculty. Although the previous version is correct and in accordance with contract law, the wording has been a “trigger” as it sounds harsh and arbitrary.
  - ✓ Incorporate input from WSU HRS regarding contracts, current university procedures, outdated terminology & web site info, etc.

## SUMMARY OF PROPOSED REVISIONS:

1. Colleges may opt to use faculty working titles that include or exclude track information – i.e. tenure or career track. EXAMPLE: (a) Associate Professor, Career Track; (b) Associate Professor, Tenure Track, OR (c) Associate Professor (with no track indicated)
2. The sub-track information for the teaching and scholar subtracks should not be included in a career track faculty member’s working title.
3. College may opt to include subtrack information in the working titles of career track faculty in the research and clinical subtracks. (The clinical and research sub-tracks have generated little apparent controversy.)

4. Colleges may opt to further identify extension faculty based on their specific extension roles.
5. After 3 consecutive years at > 0.4 FTE, short term faculty with lecturer, adjunct, and adjoint appointments should be moved into the career track.
6. The NSF definition for postdoctoral fellow/associate is adopted to better describe the appointment at WSU.

#### **ADDITIONAL CHANGES**

7. As requested, post-doctoral TEACHING fellow/associate is added as a new category. The expectation for active, ongoing mentoring was added for both categories of post-doctoral associates, and some time length protection is added for post-doctoral teaching fellows.
8. The language regarding termination of continuous contracts is revised in Section I.A (Faculty Structure) and Section III.E (Termination). Section I.A now refers to the the notification requirement that was previously stated only in Section III.E
9. The language regarding degree requirements for extension faculty is revised to fit more appropriately with the appointments as they really work.
10. Language is added recognizing the teaching activities and responsibilities of many extension faculty.
11. In recognition that “rolling horizon” contracts are no longer being used and have been replaced with the option for multi-year or continuous contracts, the text has been revised accordingly. The text referring to “rolling contracts” has been deleted.
12. At the request of WSU HRS, a statement has been returned to Section I.A.d.1 (Short-term faculty) clarifying that the appointment of LECTURER can also be used temporarily for new hires who arrive at WSU still needing to complete degree requirements.
13. Clarify that written notification to terminate a continuous contract must be signed by the appointing authority (i.e. the dean or chancellor).

## Faculty Manual

### Section IV.G. Patent Policy

#### 8. Division of Patent Royalties

a) All monetary proceeds from the commercialization of University-owned inventions are the property of the University or its assignee. The University or its designee will collect and distribute royalties, fees, equity interests, or dividends to inventors and the University in accordance with the procedures established by the University.

- (1) The University or its designee will deduct the costs of obtaining and maintaining legal protection, for each invention, to arrive at “adjusted income” unless other arrangements, agreed to by all parties that share in the income, are made by the relevant campuses, research unit or program in advance of the expense and agreed to with the OC. Such arrangements may include contracted marketing, licensing and business development. In such cases, any agreed upon expenses will be deducted to arrive at adjusted income.
- (2) The Office of Commercialization will deduct twenty percent (20%) from adjusted income and the remainder will be “net income.” This deduction is directed toward covering the expenses (excluding direct patent expenses) for administering the OC and provides initial funds for patent prosecution for other inventions without obvious commercial partners.
- (3) Net income will be distributed according to the following schedule.

Cumulative Net Income	Inventor/Contributor	University
\$1-\$10,000	100%	
Above \$10,000	50%	50%

University’s portion of the share will be distributed as follows:

30% to the University

*Section IV: University Policies Affecting Faculty | IV.G. Patent Policy | 9. Public Released Agricultural Research Center Plant Varieties*

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20% to the college and department (or relevant campuses, research unit, or Program when appropriate) to be equally split between the two

[See WSU Executive Policy 38 for more detail.](#)

- (4) With consideration to other University priorities and policies, the University or its designee will distribute one-third of its share to the Office of the Vice President for Research to be invested in further research and technology efforts for the University, one-third of its share to be managed and maintained by the OC as an “enforcement fund” to be used for legal claims against University intellectual property, and the remaining one-third of its share to be used by the OC towards a “commercialization fund” to be reinvested in commercialization activities and projects.

- (5) The OC enforcement fund allocation will be deducted only when necessary to maintain a \$150,000 balance for all inventions under this section; the distribution to the OC Enforcement Fund will cease while the Fund maintains a \$150,000 balance and the University share will then be distributed equally to the vice president for Research and the OC Commercialization Fund. Any enforcement expenses incurred above \$150,000 would be shared by all parties that share in the income, in the proportion of their share of income, for that specific invention and will be deducted as legal expense in step IV.G.8.a.1. Any net proceeds, after expenses, earned as a result of enforcement will be used to first replenish the enforcement fund. Any net proceeds remaining after replenishing the Enforcement Fund will be added to adjusted income.

An advisory body comprising a representative from each of the inventor/creator/breeder groups contributing to the OC enforcement fund and other appropriate faculty and administrators will make recommendations on the use of the OC enforcement fund to the president via the Office of Commercialization. The president may then make recommendations to the Board of Regents who have the final authority to initiate a legal action on behalf of WSU.

- b) In the event of multiple inventors, the inventors will agree among themselves as to the distribution of the income accruing to the inventors; distribution of the inventors' share shall be made only upon receipt of a signed agreement among the inventors.
- c) The University or its designee may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to inventions or Copyrighted Works. Any equity interests acquired pursuant to this section shall be held and managed by the Washington State University's designee. Neither the Washington State University nor its designee acts as a fiduciary for any person concerning equity nor other consideration received under the terms of this regulation. Upon liquidation, the proceeds from the equity interests held by the University designee will be distributed according to the schedule in section IV.G.8.a.

d) Distribution of any research fees and royalties generated from unpatented biological materials, materials transferred through material transfer agreements, testing agreements, research tools licenses and other similar agreements as well as distribution of income from patentable biological materials will follow the schedule used in section IV.G.8.

#### **9. ~~Public Released Agricultural Research Center of~~ Plant Varieties ~~Publically~~ Publicly Released Through the CAHNRS Office of Research**

a) The research and development, patent or plant variety protection, and public release of plant varieties requires the cooperation of the plant breeder(s), funding agency (USDA), Variety Release Committees, ~~WSU Agricultural Research Center~~ CAHNRS Office of Research (ARCCOR), Washington State Crop Improvement Association (WSCIA) or similar commodity groups, and the OC. The distribution of research fees and royalties will follow schedules in sections 9.b) and 9.c) below.

#### **b) Varieties protected by PVP (seed propagated crops and potato)**

- (1) In the case of contracted marketing, licensing and business development, all monies remaining after contractor expense will be distributed to WSU.
- (2) The University or its designee will then deduct the costs of obtaining and maintaining legal protection, for each plant variety to arrive at "adjusted income".

(3) Ten percent (10%) of the adjusted income capped at twenty thousand (\$20,000) per fiscal year per [seed-propagatedPVP-protected](#) variety, will be retained by the OC as an “enforcement fund for all [Seed-PropagatedPVP-protected](#) Crops” to be used for legal claims against University intellectual property related to [seed-propagatedPVP-protected](#) crops to arrive at “net income”. The OC Enforcement Fund allocation will be deducted only when necessary to maintain a one hundred fifty thousand (\$150,000) balance for all [seed-propagatedPVP-protected](#) crops; ten percent (10%) of the adjusted income distribution to the OC Enforcement Fund will cease while the Fund maintains a one hundred fifty thousand (\$150,000) balance and the adjusted income will then be equal to the net income. Any enforcement expenses incurred above one hundred fifty thousand (\$150,000) would be shared by all parties that share in the income, in the proportion of their share of income, for that specific [seed-propagatedPVP-protected](#) variety. Any net proceeds, after expenses, earned as a result of enforcement will be used to first replenish the Enforcement Fund. Any net proceeds remaining after replenishing the Enforcement Fund will be added to adjusted income.

An advisory body comprising a representative from each of the inventor/creator/breeder groups contributing to the OC Enforcement Fund and other appropriate faculty and administrators will make recommendations on the use of the OC Enforcement Fund to the president via the Office of Commercialization. The president may then make recommendations to the Board of Regents who have the final authority to initiate a legal action on behalf of WSU.

(4) Seventy percent (70%) of the net income will be distributed to the [Agricultural Research CenterCOR](#) for enhancement of [seed-propagatedPVP-protected](#) variety programs in consultation with the breeders that generated the income for this category.

(5) The remaining thirty percent (30%) of the net income will be distributed

10% to the OC

10% to WSU-[ARC-COR](#)

10% to plant breeder(s)/contributor(s)

c) [Varieties protected by patents \(vegetatively propagated crops other than potato\)](#)

(1) In the case of contracted marketing, licensing and business development, all monies remaining after contractor expense will be distributed to WSU.

(2) The University or its designee will then deduct the costs of obtaining and maintaining legal protection, for each plant variety to arrive at “adjusted income”.

(3) Ten percent (10%) of the adjusted income, capped at twenty thousand (\$20,000) per fiscal year per [patented](#) variety, will be retained by the OC as an “enforcement fund for all [patented](#) crops” to be used for legal claims against University intellectual property related to [patented](#) crops to arrive at “net income”. The OC enforcement fund allocation will be deducted only when necessary to maintain a one hundred fifty thousand (\$150,000) balance for all [patented](#) crops; ten percent (10%) of the adjusted income distribution to the OC enforcement fund will cease while the fund maintains a one hundred fifty thousand (\$150,000) balance and the adjusted income will then be equal to the net income. Any enforcement expenses incurred above one hundred fifty thousand (\$150,000) would be shared by all parties that share in the income, in

the proportion of their share of the income, for that specific [patented](#) variety. Any net proceeds, after expenses, earned as a result of enforcement will be used to first replenish the Enforcement Fund. Any net proceeds remaining after replenishing the Enforcement Fund will be added to adjusted income.

An advisory body comprising a representative from each of the inventor/creator/breeder groups contributing to the OC enforcement fund and other appropriate faculty and administrators will make recommendations on the use of the OC enforcement fund to the president via the Office of Commercialization. The president may then make recommendations to the Board of Regents who have the final authority to initiate a legal action on behalf of WSU.

(4) Fifty percent (50%) of the net income will be distributed to the [Agricultural Research CenterCOR](#) for enhancement of [patented](#) variety programs in consultation with the breeders that generated the income for this category,

(5) The remaining fifty percent (50%) of the net income will be distributed as follows:

10% to the OC

10% to WSU-[ARC-COR](#)

30% for breeder(s)/contributor(s)

#### d) Additional considerations

(1) In the event of multiple breeders/contributors, for varieties protected by patents or PVP, the inventors will agree among themselves with guidance and approval from the CAHNRS Office of Research as to the distribution of the royalties accruing to the breeders/contributors.

(2) General guidelines for distribution of (1) royalties from essentially derived varieties and (2) utilization of advanced lines or clones from one breeding group for further advancement by another breeding group, are available from the [COR](#) or [OC](#).

(3) In the event that multiple breeders/contributors cannot reach an agreement on distribution, the distribution will be resolved by the OC as described in section IV F (Intellectual Property) section of the Faculty Manual.

(4) Varieties for seed propagated crops that are not PVP protected shall follow the same distribution as those that are PVP protected, as in 9b.

(5) Varieties for vegetatively propagated crops (other than potato) that are not patent protected shall follow the same distribution as those that are patent protected, as in 9c.

## IV J. Trademarks

University trademarks include the names, designs, logos, and colors for “Washington State University”, “WSU”, “Cougars”, “Go Cougs”, “Ask Dr. Universe”, and others. Permission of the University is required before use of these trademarks. Commercial use requires licensing and payment of royalties. Royalty income from licensing of University and athletic trademarks is administered by the Washington State University Foundation. The trademarks officer may be contacted at <http://marketing.wsu.edu/staff/index.html>

From time to time other University trademarks are registered for software, plant varieties, or devices in conjunction with their patent or copyright protection. These trademarks may generate royalty through commercialization. Net royalty income received by the University or its designee shall be distributed according to the schedule used for Patents, IV.G.8, or for Plant Varieties, IV.G.9, as appropriate. In the event a University trademark is registered and in use in commerce and any intellectual property in conjunction with a patent and/or plant variety protection has expired, any net royalty income received by the University or its designee attributed to the trademark shall be distributed according to the schedule used for Patents, IV.G.8, or for Plant Varieties, IV.G.9. as appropriate.

# FUTURE ACTION ITEM #1

## Establish a Bachelor of Science in Viticulture and Enology (Bryan K. Slinker)

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Establish a Bachelor of Science in Viticulture and Enology

**PROPOSED:** That the Board of Regents Establish a Bachelor of Science in Viticulture and Enology and discontinue the major of Viticulture and Enology.

**SUBMITTED BY:** Bryan K. Slinker, Interim Provost and Executive Vice President

**SUPPORTING  
INFORMATION:**

Viticulture and Enology (V&E) is currently offered as a major under the Bachelor of Science in Integrated Plant Sciences (IPS) degree. The College of Agriculture, Human and Natural Resource Sciences proposes to elevate the ISP major of Viticulture and Enology to the degree Bachelor of Science in Viticulture and Enology. The program will be administered by the Tri Cities campus and the Viticulture of Enology major will be discontinued on the Pullman campus.

The concept for a Bachelor of Science in Viticulture and Enology is supported by students, faculty, college administration, and industry stakeholders. Currently, there are just under 1,000 wineries in Washington State (approx. 8,000 in the United States) and it is estimated that four new wineries open monthly in the state. Industry representatives on our V&E Advisory Board believe that students with a degree in V&E as opposed to a major in V&E under the Integrated Plant Sciences degree will be more competitive with students obtaining V&E degrees from our competing schools.

The degree is consistent with the mission of the college to enhance sustainability of agricultural and economic systems, and to promote stewardship of natural resources and ecological systems. It is also consistent with the university's responsibility to promote and positively impact the state economy and industries within the state.

The proposal was reviewed and is supported by the Provost's Office. The recommendation was approved by the Faculty Senate on March 26, 2020.

The College of Agriculture, Human and Natural Resource Sciences proposes establishment of a Bachelor of Science in Viticulture and Enology effective Fall 2020.

**MEMORANDUM**

**TO:** Amy Nielsen, Executive Secretary  
Faculty Senate

**FROM:** Becky Bitter, Registrar's Office

**FOR:** Academic Affairs Committee

**DATE:** 26 February 2020

**SUBJECT:** Proposal to Establish the New Degree of the BS in Viticulture and Enology, Tri-Cities

At its meeting on February 25, 2020, AAC approved the attached proposal from the College of Agricultural, Human, and Natural Resource Sciences to establish a new degree, the BS in Viticulture and Enology, with a major of Viticulture and Enology, to be offered exclusively on the Tri-Cities campus.

At the same time, the Viticulture and Enology major that is currently offered as one of the majors under the BS in Integrated Plant Sciences degree will be discontinued.

The proposal has support from the Provost, the Budget Committee, the Catalog Subcommittee, and the Library Committee.

At this time, Faculty Senate review and approval is recommended, to be effective fall 2020.

**MEMORANDUM**

**TO:** Kasee Hildebrand, Chair Academic Affairs Committee

**FROM:** Blaine Golden, Assistant Registrar

**DATE:** February 19<sup>th</sup>, 2020

**SUBJECT:** Elevate to Degree and Discontinue major on Pullman Campus – Bachelor of Science in Viticulture and Enology

The College of Agricultural, Human, and Natural Resource Sciences proposes to elevate the Integrated Plant Sciences major of Viticulture and Enology to the degree Bachelor of Science in Viticulture and Enology. The program will be administered by the Tri Cities campus and the Viticulture and Enology major will be discontinued on the Pullman campus.

These proposals and a revised schedule of studies were approved by the Catalog Subcommittee on February 13, 2020.

The schedule of studies is submitted as a separate attachment.



Office of  
Faculty Senate

MEMORANDUM

TO: Kate McAteer, Renny Christopher, Mark Beattie, Robin Mays, Nicole Campbell

FROM: Gayle Anderson

RE: Create a Bachelor of Science in Viticulture and Enology

DATE: October 30, 2019

The attached proposal to create a Bachelor of Science in Viticulture and Enology has been received from the Office of the Provost and it has been reviewed and approved by

- Andre-Denis Wright, Dean, College of Agricultural, Human, and Natural Resource Sciences

This proposal is a full Faculty Senate review and will/has been submitted to the appropriate Faculty Senate sub-committees. To continue this process, the following individuals must approve this proposed extension

Name	Title	e-Signature
Kate McAteer	Tri-Cities VCAA	DocuSigned by: Kate McAteer 265883795CF8B5...
Renny Christopher	Vancouver VCAA	DocuSigned by: Renny Christopher 265883795CF8B5...
Mark Beattie	Everett VCAA	DocuSigned by: Mark Beattie 25EA9BE8319A49E...

In addition, the faculty campus organization must acknowledge receipt of this proposal and confirm that any relevant concerns have been communicated to their respective Vice Chancellors listed above

Name	Title	e-Signature
Robin Mays	Tri-Cities RFO	DocuSigned by: Robin Mays 38856D2E9AAE40A...
Nicole Campbell	Vancouver CFR	DocuSigned by: Nicole Campbell 21D173172C0947B...

Once e-signatures have been obtained, this proposal will go to the appropriate Faculty Senate Committees. If all Senate Committee approve, the proposal will advance to the Faculty Senate Agenda as a Discussion Item, and if approved will then move onto an Action Item.



Office of  
Provost and Executive Vice President

**MEMORANDUM**

TO: Faculty Senate

FROM: Bryan Slinker, Interim Provost and Executive Vice President

SUBJECT: Create a Bachelors of Science, in Viticulture and Enology

DATE: October 4, 2019

A handwritten signature in black ink, appearing to read "B. Slinker".

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The attached proposal to create a Bachelors of Science degree in Viticulture and Enology has been reviewed by the Provost's Office. We have no concerns about the proposal. The degree has potential for significant growth, especially at the Tri-Cities campus. We judge it ready for the Senate review process.

**NOTICE of INTENT (NOI)****NEW DEGREE or EXTENDING DEGREE to NEW LOCATIONS and/or to the Global Campus**

Send this completed NOI in Word format electronically to the Office of the Provost ([provost.deg.changes@wsu.edu](mailto:provost.deg.changes@wsu.edu)).

Prior to your completing a full degree proposal, this form is circulated to other institutions in the state via the Interinstitutional Committee on Academic Program Planning (ICAPP) for a 30-day review. You may be contacted by other institutions regarding your plans.

Degree Title:	Bachelor of Science Degree in Viticulture and Enology
Academic Program:	BS in Integrated Plant Sciences
Academic Plan:	Viticulture and Enology
Number of Credits:	120
Department(s) or Program(s):	Integrated Plant Sciences
College(s):	CAHNRS
Campus(es):	Pullman and Tri Cities
Method of Instructional Delivery	Traditional courses taught from both campuses

Contact Name:	Richard Zack	Email	<a href="mailto:zack@wsu.edu">zack@wsu.edu</a>
Contact Phone:	5-7247	Proposed start date:	Fall 2020

**Program Description and Rationale:** Describe the proposed program, including focus, overview of the curriculum, and a brief rationale for offering the program at this time and/or place.

Viticulture and Enology (V&E) is currently offered as a major under the BS in Integrated Plant Sciences (IPS) degree. This proposal is to offer an independent (no longer in the IPS umbrella) BS degree in Viticulture and Enology; we want to elevate the offering in V&E from a major to a full BS degree.

Washington State ranks second to California in almost all aspects of viticulture (the cultivation and harvesting of grapes) and enology (the science that deals with wine and winemaking). The idea for the change from a Viticulture and Enology (V&E) major under the BS in Integrated Plant Sciences to its own BS degree has several originations including students, faculty, college administration, and the industry stakeholder community. Currently, there are just under 1,000 wineries in Washington State (approx. 8,000 in the United States) and it is estimated that four new wineries open monthly in the state. Industry representatives on our V&E Advisory Board believe that students with a degree in V&E as opposed to a major in V&E under the Integrated Plant Sciences degree will be more competitive with students obtaining V&E degrees from our competing schools. This may appear to be a trivial difference, but the industry, students, and many at the university view it as a preliminary step to increasing the visibility and value of the degree and a foundation step in the creation of a Department of Viticulture and Enology, which is currently being examined by a college committee lead by the Dean of the College of Agricultural, Human, and Natural Resource Sciences.

When majors and degree programs were reconfigured by the college a number of years ago, it was decided to create two, college wide, agricultural degree programs under which a number of majors would be offered. Since that time, there has been significant growth in the V&E program so much that we believe that V&E should be a stand-alone BS offering. We are making this proposal to

address significant student, faculty, and stakeholder input, all of whom believe that elevating the major to a degree will allow for more independent assessment of the program, the development of more specific course offerings that do not need to serve a broader student and programmatic need, and greater recognition of the V&E program and graduates in the industry. The elevation of the offering to degree status will allow our students to better compete with those students coming from universities offering the independent V&E degree. The concern that a “major” is not viewed as competitive with universities offering the BS in V&E has been voiced by our students and stakeholders. Additionally, we are beginning the process of creating a Department of Viticulture and Enology and the elevation of the major to degree status is a concurrent step in that process. The major is currently offered on the Pullman and Tri-Cities campuses, but we are also preparing paperwork to discontinue the offering in Pullman. We have the strong support of students, faculty, and administrations at both campuses for this change.

Specific reasons for the change in status are discussed in the Demand Analysis accompanying this NOI.

**Documentation of need for program, with emphasis on student demand.** Describe how the program and/or location will support the state’s goals for higher education. Identify similar programs offered by other public or independent institutions in the region, and differentiate it from similar programs. Identify any options for collaboration.

The State’s goals may be found at: <http://www.wsac.wa.gov/> “policy”

Currently (as of 25 June 2019), there are 57 declared students majoring in Viticulture and Enology, 27 in Pullman and 30 in Tri Cities. Another 40 students are currently being advised but have not yet declared. The total number of students in the “program” on the two campuses is approximately 100, allowing for about 25 bachelor level graduates annually. Since 2014, declared majors in V&E, on the two campuses, has remained fairly constant with the number slowly decreasing in Pullman and growing in Tri Cities. From Fall 2014 – Fall 2018: 2014, 63; Fall 2015, 63; Fall 2016, 66; Fall 2017, 70; and Fall 2018, 67.

Approximately 35 universities and colleges offer some form of V&E training from undergraduate and graduate degrees to certificates. In a recent ranking (Universities.com; viewed on 23 June 2019), Washington State University is ranked fifth with Cornell first followed by UC-Davis, Cal Poly San Luis Obispo, and Michigan State – Walla Walla Community College is ranked tenth. Other ranked schools in the Pacific Northwest are: Yakima Valley CC, Wenatchee Valley College, Lake Washington Institute of Technology, Treasure Valley CC (OR), and Umpqua CC (OR). Oregon State has a program offered under Horticulture, but it was not listed. While some schools offer independent programs in viticulture or enology, or both, most combine the two. Schools that specialize more in enology are often associated with business or hospitality. A second partitioning of schools concerns the amount of technical training as opposed to a more science-based curriculum. Students have numerous options depending on their eventual goals as they work into the industry.

Washington State University offers a science-based curriculum, which includes strong training in both viticulture and enology, relying on strong programs in the agricultural sciences and food science. Additionally, our students have the opportunity to explore options in the School of Hospitality Business Management and, many of their students will minor in V&E. We believe that we offer excellent programs for students that are specific to the major or want some ancillary training. We also have very close relationships with other Washington community colleges and colleges that offer training in V&E. These schools offer excellent technical training and their students are very employable at specific levels. Most of their students are interested in a two-year degree or are place-bound, thus we are not competing with them for students or the types of positions that will be available to them at a specific level of training. In addition, due to our close working relationships with the community colleges, when a student is interested in continuing at a four-year institution,

WSU is their preferred choice.

The Wine Science Center, which opened on the Tri Cities campus in 2015, is a state of the art research and teaching facility. This new facility, the creation of an independent BS degree in Viticulture and Enology and the continued growth of the industry in Washington State puts us in a perfect situation to recruit quality students. Because of our very close, mutualistic relationships with our industry partners, we can offer students an outstanding education and readily available job opportunities. Our stakeholders also offer excellent internship opportunities and part-time employment. We are unique in the region and already highly ranked among schools offering V&E studies. We have good relationships with other schools in our region and work closely with them to recruit students to all of our programs.

**Format and Articulation:** Note when and where the program will be offered (day/evening/weekend/campus/online, etc.) and, for undergraduate programs, the plan for articulation with associate degree programs, including any applicable major-ready pathways. (Assistance can be provided by the Transfer Clearinghouse, [transfercredit.wsu.edu](http://transfercredit.wsu.edu)).

The V&E major is currently offered on the Pullman and Tri-Cities campuses. We hope to eventually transition the last two years of the program only to the Tri-Cities campus to allow students to take advantage of industry partnerships including internships, student, and post-student employment. A proposal to discontinue the major in Pullman is being concurrently submitted as is a NOI for the establishment of a Department of Viticulture and Enology to be situated at the Tri-Cities campus.

The program is offered in an on-campus format with synchronous, classroom-based courses being offered from the Pullman and Tri-Cities campuses as well as College of Agricultural, Human, and Natural Resource Sciences Research and Extension Centers located in Prosser, Wenatchee and Mt. Vernon.

The V&E program has strong partnership arrangements with two-year colleges that offer similar programs and has developed articulation agreements with each of them. As the V&E program continues to develop, we will work closely with these partners to ensure that the needs of all students and the industry will be met. For instance, representatives from each of the two-year colleges offering versions of a V&E degree are represented on the University Viticulture & Enology Advisory Board.

**Students:** Describe the student population to be served, and project enrollments for five years (see Demand Analysis Workbook)

We have two primary types of students entering our program. One includes students from families that are already involved in some aspect of the business such that their families own or are employed at vineyards, wineries, or are involved in an ancillary business such as tree fruits or farming in general. Many of these students are going to go back to the industry. Our other students are those that have no specific family involvement in agriculture but hope to start their own business or join an established business. These include students from urban and rural backgrounds, those interested more in the business aspects of V&E, or those looking for what they view as rewarding careers in an expanding industry with advancement potential. Career positions for students in either group include: 1. Vineyard owners, managers, and viticulturists, 2. Winemakers, enologists, and cellar masters, 3. Winery managers or owners, 4. Tasting room managers, 5. Wine or supply sales representatives, 6. Research technicians and wine scientists, and 7. Hospitality industries. Our V&E graduates currently serve in all of these capacities.

FTE in current degree locations – Use OBIEE data:

Currently (as of 25 June 2019), there are 57 declared students majoring in Viticulture and Enology, 27 in Pullman and 30 in Tri Cities. Another 40 students are currently being advised but have not yet

declared. The total number of students in the “program” on the two campuses is approximately 100, allowing for about 25 bachelor level graduates annually. Since 2014, declared majors in V&E, on the two campuses, has remained fairly constant with the number slowly decreasing in Pullman and growing in Tri Cities. From Fall 2014 – Fall 2018: 2014, 63; Fall 2015, 63; Fall 2016, 66; Fall 2017, 70; and Fall 2018, 67.

**Resource Implications:**

Proposed College/Dept. Funding (new or reallocated):

No new funding will be needed to transition the Viticulture and Enology major (under the Integrated Plant Sciences degree) to a stand alone BS degree.

Other Funding (please specify):

See below

For graduate and fee-based programs, what level of tuition is to be charged?

NA

Other significant resource implications:

Future plans call for the creation of a Department of Viticulture & Enology and a NOI is currently being formulated. Resources for this change will be discussed in that NOI.

- **Attach college or campus plans for degree changes in AY 17-19**
- **Demand Analysis – Complete Workbook #1 and attach Demand Analysis Form**

**SIGNATURES: The names typed below certify that the relevant academic and campus officials have reviewed and approved this proposal:**

Chair Signature:	Thomas Henick-Kling	Date:	26 August 2019
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Dean Signature:	André Wright	Date:	26 August 2019
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VP Global Campus		Date:	
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→ Submit to the Provost’s Office at [provost.deg.changes@wsu.edu](mailto:provost.deg.changes@wsu.edu)

Everett Chancellor		Date:	
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Spokane Chancellor		Date:	
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Tri-Cities VCAA		Date:	
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Vancouver VCAA		Date:	
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Provost Office:		Date:	
Comments:			

Send completed form in Word format with attachments to: [provost.deg.changes@wsu.edu](mailto:provost.deg.changes@wsu.edu)

- Attach Demand Analysis Form
- Attach College/Campus degree planning

## DEMAND ANALYSIS TO ACCOMPANY NOTICE OF INTENT FOR NEW OR EXTENDED DEGREES

The information from this form will be used:

- In summary form in the Notice of Intent
- In the Financial Analysis spreadsheet
- In the New Degree Proposal form
- In the submission for accreditation to the Northwest Commission on Colleges and Universities after approval by the Board of Regents

**Using the information you developed in the Demand Analysis Workbook, please complete the form below and submit with your Notice of Intent. You do not need to submit the Workbook itself.**

<b>Proposed Degree</b>	<b>BS in Viticulture and Enology</b>	<b>Location:</b>	<b>Tri-Cities and Pullman Campuses</b>
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### 1. Employer Demand

If you are extending a degree, or have a related existing degree, briefly summarize the employment outcomes for your graduates.

What is the state and regional employment demand for this degree?

Is long-term employer demand expected to grow, remain stable, or decline?

What is your evidence?

#### **Answer here:**

Washington State ranks second to California in almost all aspects of viticulture (the cultivation and harvesting of grapes) and enology (the science that deals with wine and winemaking). The idea for the change from a Viticulture and Enology (V&E) major under the BS in Integrated Plant Sciences to its own BS degree has several originations including students, faculty, college administration, and the industry stakeholder community. Currently, there are just under 1,000 wineries in Washington State (approx. 8,000 in the United States) and it is estimated that four new wineries open monthly in the state. Industry representatives on our V&E Advisory Board believe that students with a degree in V&E as opposed to a major in V&E under the Integrated Plant Sciences degree will be more competitive with students obtaining V&E degrees from our competing schools. This may appear to be a trivial difference, but the industry, students, and many at the university view it as a preliminary step to increasing the visibility and value of the degree and a foundation step in the creation of a Department of Viticulture and Enology, which is currently being examined by a college committee lead by the Dean.

We have two primary types of students entering our program. One includes students from families that are already involved in some aspect of the business such that their families own or are employed at vineyards, wineries, or are involved in an ancillary business such as tree fruits or farming in general. Many of these students are going to go back to the industry. Our other students are those that have no specific family involvement in agriculture but hope to start their own business or join an established business. These include students from urban and rural backgrounds, those interested more in the business aspects of V&E, or those looking for what they view as rewarding careers in an expanding industry with advancement potential. Career positions for students in either group include: 1. Vineyard owners, managers, and viticulturists, 2. Winemakers, enologists, and cellar masters, 3. Winery managers or owners, 4. Tasting room managers, 5. Wine or supply sales representatives, 6. Research technicians and wine scientists, and 7. Hospitality industries. Our V&E graduates currently serve in all of these capacities. A recent review of winejobs.com (viewed on 24 June 2019) listed 1,211 available positions, in the United States, in some aspect of V&E. Wine Business Monthly lists the

average salary for a winemaker at \$103,000 and for a vineyard manager at \$90,000 – these would be sought after positions and not generally available to a recent graduate.

Craftbeveragejobs.com (viewed 22 June 2019) discusses positions and the need for qualified individuals in: 1. Viticulture and enology, 2. Sales and Marketing, 3. Hospitality and Education (direct to consumer positions), and 4. General Administration and operations. They foresee continued growth in the industry and a need for more and more qualified employees at all levels.

In 2013, the Washington Wine Education Consortium contracted with Agri-Business Consultants, Prosser, WA, to conduct an employment needs assessment with projections to 2018. This is that last needs assessment conducted – another is being contemplated at this time. In that report, it was estimated that during the period of 2013-2018, more than 42 annual new positions for bachelor level trained individuals and more than 52 annual new positions for associate level trained individuals would occur in Washington vineyards and wineries. During the same period, the number of new wineries increased from approximately 739 to 990 (ca. 50 per year). In conversations with the Executive Director of the Washington Winegrowers, she estimates that the industry sees growth slowing to about half of what it was during that period to ca. 25 wineries per year. If we use that estimation for growth during the next five-year period, we would find a need for approximately 21 new annual positions for bachelor level training. This approximates the number of students that the WSU program will be producing. However, we are seeing a more rapid growth in V&E in other sections of the country (besides WA and CA) and believe that we will be placing more graduates into other geographic areas. And, members of the V&E Advisory Board believe that growth in other areas related to V&E, e.g., other fermented beverages such as ciders, will add to the demand.

The WSU V&E Advisory Board is very supportive and insistent upon our efforts to produce more and highly qualified graduates to fill the growing number of positions that will be available in the industry both in Washington and throughout the nation. This growth is a primary reason why the industry, college, and university are supporting the change in degree status, the movement of students to the Tri Cities campus where student/stakeholder interactions are readily available, and eventual creation of a Department of Viticulture and Enology.

## 2. Competitors

Who are your competitors? What is their competitive advantage? Are competitor-institutions planning to introduce similar programs/expand existing ones? Why is your department/school able to provide the proposed new degree better than other WSU departments/schools or other universities?

**Answer here:**

Approximately 35 universities and colleges offer some form of training in V&E from undergraduate and graduate degrees to certificates. In a recent ranking (Universities.com; viewed on 23 June 2019), Washington State University is ranked fifth with Cornell first followed by UC-Davis, Cal Poly San Luis Obispo, and Michigan State – Walla Walla Community College is ranked tenth. Other ranked schools in the Pacific Northwest are: Yakima Valley CC, Wenatchee Valley College, Lake Washington Institute of Technology, Treasure Valley CC (OR), and Umpqua CC (OR). Oregon State has a program offered under Horticulture, but it was not listed. While some schools offer independent viticulture and enology training, most combine the two. Schools that specialize more in enology are often associated with business or hospitality. A second partitioning of schools concerns the amount of technical training as opposed to a more science-based curriculum. Students have numerous options depending on their eventual goals as they work into the industry.

Washington State University offers a science-based curriculum, which includes strong training in both viticulture and enology, relying on strong programs in the agricultural sciences and food science. Additionally, our students have the opportunity to explore options in the School of Hospitality Business Management and, many of their students will minor in Viticulture and Enology. We believe that we offer excellent programs for students that are specific to the major or want some ancillary training. We also have very close relationships with other Washington community colleges and colleges that offer training in V&E. These schools offer excellent technical training and their students are very employable at specific levels. Most of their students are interested in a two-year degree or are place-bound, thus we are not competing with them for students or the types of positions that will be available to them at a specific level of training. And, because of our close working relationships, when a student is interested in continuing at a four-year institution, WSU is their preferred choice.

The Wine Science Center, which opened on the Tri Cities campus in 2015, is a state of the art research and teaching facility. This new facility, the creation of an independent BS degree in Viticulture and Enology and the continued growth of the industry in Washington State puts us in a perfect situation to recruit quality students. Because of our very close, mutualistic relationships with our industry partners, we can offer students an outstanding education and readily available job opportunities. Our stakeholders also offer excellent internship opportunities and part-time employment. We are unique in the region and already highly ranked among schools offering V&E studies. We have good relationships with other schools in our region and work closely with them to recruit students to all of our programs. With the growing and expanding nature of the industry and the excellence of our program, we need to develop a strong recruiting strategy that extends beyond the region. We are currently doing this.

**3. Student Demand**

Describe the target market in light of regional population trends, especially in the target age group.

What is the current number of students in existing programs in the proposed market area in this field? What is the potential number of students forecasted?

What are the key characteristics of the market segment you seek? How will your degree serve their needs?

**Answer here:**

Currently (as of 25 June 2019), there are 57 declared students majoring in Viticulture and Enology, 27 in Pullman and 30 in Tri Cities. Another 40 students are currently being advised but have not yet declared. The total number of students in the “program” on the two campuses is approximately 100, allowing for about 25 bachelor level graduates annually. Since 2014, declared majors in V&E, on the two campuses, has remained fairly constant with the number slowly decreasing in Pullman and growing in Tri Cities. From Fall 2014 – Fall 2018: 2014, 63; Fall 2015, 63; Fall 2016, 66; Fall 2017, 70; and Fall 2018, 67.

The trend to more declared students in Tri Cities appears to be the result to several factors. Almost 50% of College agriculturally-based major students have some transfer credits. Many of these students have attended a community college or primarily two-year degree offering college. Most of these students have decided on a major and want as much exposure to the industry and stakeholders as possible (this is especially critical to those seeking employment in some aspect of V&E). With the opening of the Wine Science Center in Tri Cities, its central location to the industry, and the realization that opportunities, especially meaningful internships and experiential learning are readily available, students have been slowly migrating to Tri Cities. This is especially true of transfer students that attended one of the colleges closer to Tri Cities, have been working in the industry, or are from the general area and want to remain in a more agricultural setting. Additionally, students that start their studies in Pullman are being exposed to the opportunities in the Tri Cities through course work, visits to vineyards and wineries, and discussions with industry partners; they are choosing to transfer to the Tri Cities campus to complete their studies. Our industry partners are adamant that the primary way to obtain employment in V&E is to have significant out of the classroom experience and to develop relationships with industry as early and as often as possible.

By offering the degree only in Tri Cities, we believe that we are steering the students in a direction that will allow for much greater opportunities at a career in V&E. It will allow us to concentrate our educational efforts on one campus where we can develop lecture and lab courses, take advantage of the V&E faculty at Tri Cities and the Prosser Research and Extension Center, and solidify partnership relationships with the industry that will benefit the students. The change also coincides with our current efforts to create a new Department of Viticulture and Enology, which will be administered from the Tri Cities campus.

There have been no significant recruitment efforts into the V&E program. With the move of the degree offering to Tri Cities, we will begin significant “advertising” of the degree and strong recruitment into it. A recruitment plan is currently being developed through a partnership with the CAHNRS, Tri Cities campus, and industry representation.

<b>Expected FTE</b>					
<b>Year 1</b>	60	<b>Year 2</b>	65	<b>Year 3</b>	70

How did you arrive at these numbers? How do they compare with your current enrollments in an existing degree or option, or related degree?

**Answer here:**

These FTE numbers are based in current enrollment in the existing Viticulture and Enology major under the Integrated Plant Systems BS degree. This proposal is to elevate a current V&E major to a full BS degree. We believe that student numbers will maintain themselves for the near future but will begin to grow significantly as we strongly recruit into the program.

**4. Recruitment Plan**

How and where are students going to find out about this program? Who will represent this department in its promotion activities? What specific venues can you use to promote an awareness of this new program? What means will be used to access and educate businesses, industry, agencies, and/or institutions about this offering?

**Answer here:**

The Viticulture and Enology (V&E) major is currently offered under the BS in Integrated Plant Sciences. This proposal is to elevate the major to an independent BS in Viticulture and Enology. Based on industry feedback (through our Viticulture and Enology Advisory Board) and student feedback, we believe that an independent degree will help us to recruit to the program. We compete for students with a small, but very strong group of schools that have long traditions in V&E. This includes Cornell University, UC-Davis, Cal Poly San Luis Obispo, and California State University at Fresno. These universities offer stand-alone degrees from Departments of Viticulture and Enology. Our goal is to build one of the strongest and highly ranked, if not the strongest, V&E programs in the United States. Our stakeholders contributed funds to build a state of the art Wine Science Center at the Tri Cities campus and we have hired a core of V&E faculty to join faculty in other units that support the V&E program. CAHNRS has created a committee that is exploring the creation of a Department of Viticulture and Enology at WSU. Our college and university administrations as well as our advisory board are dedicated to building the best V&E program in the country with a high world ranking. The establishment of a BS in Viticulture and Enology is a part of the program development.

We currently recruit into V&E as a part of our BS in Integrated Plant Sciences. V&E is one of our most populous majors with approximately 60 certified students and a little over 100 with declared interests. With the change to allow students to declare a major at admission, the number will increase. Currently, the major is offered in both Pullman and Tri Cities. We are also examining the discontinuation of the offering in Pullman in order to allow all students to take advantage and benefit from the excellent resources, including the Wine Science Center, located at Tri Cities. CAHNRS currently recruits to both campuses with specific literature and web presence. We also have strong relationships with our community college partners, two of which (those with V&E programs) are supported by articulation agreements. We are currently working with other colleges and community colleges to develop further articulation agreements. We are also developing co-branded efforts at recruitment.

As we move forward with the creation of a BS in Viticulture and Enology and the development of a Department of Viticulture and Enology, we will implement a national advertising (recruitment campaign) through social media, web presence, and stories and advertisements in appropriate magazines, commodity, and professional venues. These efforts will be supported by CAHNRS, Tri Cities, and our industry partners. The success of the V&E program is of the highest priority to the College and our stakeholders. They have and continue to invest heavily into the program, especially in the form of scholarships, internships, and research dollars.

## **FUTURE ACTION ITEM #2**

Establish a Master of Science in Kinesiology  
(Bryan K. Slinker)

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Establish a Master of Science in Kinesiology

**PROPOSED:** That the Board of Regents Establish a Master of Science in Kinesiology.

**SUBMITTED BY:** Bryan K. Slinker, Interim Provost and Executive Vice President

**SUPPORTING INFORMATION:** The College of Education proposes the creation of a Master of Science in Kinesiology

A research-based graduate program in Kinesiology will bolster our undergraduate student interest in research, support faculty research productivity, improve the chances for faculty attempts to acquire external funding, enhance the College of Education's research productivity, and provide didactic opportunities for students in related programs at WSU.

The proposed Kinesiology program will have two options: thesis and non-thesis.

The overarching theme within the missions of WSU, the College of Education, and the Educational Leadership, Sport Studies, and Educational/Counseling Psychology (ELSSECP) department involves generating research opportunities for students and faculty in an effort to create scholars who advance their fields globally. This graduate program will focus on research, knowledge acquisition, and knowledge application. It will provide a clear path for students and faculty to advance knowledge, become leaders in their respective fields of study, and apply their knowledge in a way that enhances the lives of others within their communities.

The mission of the Kinesiology Graduate Program is to provide a strong scientific foundation promoting critical thinking by focusing on research, knowledge acquisition, and knowledge application in an effort to enhance health, productivity, and quality of life. The

Kinesiology graduate program thus strongly aligns with the “Sustaining Health” WSU Grand Challenge and positions our faculty and students to increase their contribution to this Grand Challenge. The mission of the Kinesiology graduate program also fits with the WSU “Drive to 25” by offering a transformative educational experience to graduate students and accelerating the development of our college’s research portfolio.

The proposal was reviewed has the support of the Provost’s Office. The recommendation was approved by the Faculty Senate on March 26, 2020.

The College of Education proposes creation of a Master of Science in Kinesiology effective Fall 2020.

**MEMORANDUM**

TO: Faculty Senate

FROM: Bryan Slinker, Interim, Provost and Executive Vice President 

SUBJECT: Master of Science in Kinesiology

DATE: October 4, 2019

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The attached proposal to create a Master of Science in Kinesiology has been reviewed by the Provost's Office committee. The proposal has undergone considerable revision since its original submission, primarily to address funding issues, and to demonstrate uniqueness, both educationally and in terms of employment prospects, from the university's existing Master's degree in Athletic Training and in Exercise Physiology.

The proposing unit has secured a letter of support from Athletic Training, but the Department of Nutrition and Exercise Physiology (NEP) continues to have concerns about extent of overlap with their Master's degree and is not supportive of this proposal.

We ask the Faculty Senate to carefully review the proposal, hear NEP's concerns, and arbitrate.

## PROPOSAL TO OFFER A NEW DEGREE PROGRAM OR EXTEND AN EXISTING DEGREE TO GLOBAL CAMPUS

Degree Title:	[Master of Science in Kinesiology]
Academic Program:	Kinesiology and Educational Psychology
Academic Plan:	[Kinesiology]
Number of Credits:	[34]
Department(s) or Program(s):	[Department – KEP, Program - Kinesiology]
College(s):	[Education]
Campus(es):	[Pullman]
Method of Instructional Delivery:	All Kines classes will be face to face except three competency-based thesis/project/exam courses, however EdPsych classes that are required for the program are currently offered via AMS and electives may be taken through other methods.

Contact Name:	[Phyllis Erdman]	Email Address:	perdman@wsu.edu
Contact Phone:	[5-9117]	*Proposed start date:	[Fall 2020]

**\*Proposed Start Date:** Approval must be received from the Northwest Commission on Colleges and Universities before the program may be advertised or recruited for. Financial aid may not be available until the program has been approved by the Department of Education subsequent to NWCCU approval.

**SIGNATURES: The names typed below certify that the relevant academic and campus officials have reviewed and approved this proposal:**

Chair Signature:		Date:	
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Dean Signature:		Date:	
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VP Global Campus		Date:	
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→ Submit to the Provost's Office at [provost.deg.changes@wsu.edu](mailto:provost.deg.changes@wsu.edu)

Everett Chancellor		Date:	
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Spokane Chancellor		Date:	
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Tri-Cities VCAA		Date:	
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Vancouver VCAA		Date:	
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Provost Office:		Date:	
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Comments:	
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For Registrar's Office Use Only:					
Current CIP Code:		New CIP Code:		Date:	

**Send completed form in Word format to: [provost.deg.changes@wsu.edu](mailto:provost.deg.changes@wsu.edu)**

This template asks you to answer the array of questions about your proposed program that are important to your department, your college, the Faculty Senate, the State of Washington, accreditors and other external stakeholders.

By placing all proposals in a similar format, this template provides a common standard for comparison, ensuring that all potential programs can be evaluated in an equitable fashion. It can be used to determine whether or not a program is feasible within the university's academic and financial situation, and if it will have the resources to further the University's objective of providing high quality education and scholarship.

This template is also a framework to think about the viability of your ideas. It can thus be a tool for strengthening both your proposal and the resulting program itself, since a program that is starved for either students or resources from its inception is not likely to become a high quality program.

Here are some of the things to consider as you complete the template:

What are the aspirations for the reputation of this program – local, regional, national? What will it take to make that a reality?

Who are you trying to attract with this new program? Will it bring new students to the university, better meet the needs of current students in the department, or draw students away from other departments?

How strong is the demand for education of this kind, and in what specific careers will someone who receives such an education find meaningful employment?

How many students do you need to attract to break even, and can both the market and WSU's capacity support this number?

Providing good answers to hard questions maximizes the likelihood that a new program will not just win acceptance by the Faculty Senate and administration, but will ultimately be successful in attracting students and placing graduates. The analyses in the Demand, Financial and Library workbooks will assist you in creating a persuasive proposal. The findings in each area, and their basis or justification, should be summarized in the proposal itself.

# Proposal

## Mission and Core Themes (Strategic Goals):

Provide a clear statement of the nature and purposes of the new degree in the context of WSU's mission and core themes (strategic plan).

The overarching theme within the missions of WSU, the College of Education, and the [KEP](#) department involves generating research opportunities for students and faculty in an effort to create scholars who advance their fields globally. This graduate program will focus on research, knowledge acquisition, and knowledge application. It will provide a clear path for students and faculty to advance knowledge, become leaders in their respective fields of study, and apply their knowledge in a way that enhances the lives of others within their communities. Although we are currently only proposing a M.S. in Kinesiology, we will also anticipate a future Ph.D. (a Ph.D. in Kinesiology has never been offered at WSU) and possibly even an accelerated 5-year B.S./M.S.

WSU continues to grow in student enrollment and in scholarly opportunities for the growing student body. The College of Education and Kinesiology program continue to grow proportionally with the university. A graduate program within Kinesiology would allow for this continued expansion while also providing a strong research-based program to complement the growing undergraduate program. This graduate program will support scholarly opportunities, student growth opportunities, and educational opportunities and by doing so will place us solidly in a position to become leaders in Kinesiology and align with the WSU "Drive to 25".

The mission of the Kinesiology Graduate Program is to provide a strong scientific foundation promoting critical thinking that will enhance health, productivity, and quality of life. The Kinesiology graduate program thus strongly aligns with the "Sustaining Health" WSU Grand Challenge and positions our faculty and students to increase their contribution to this Grand Challenge. The mission of the Kinesiology graduate program also fits with the WSU "Drive to 25" by offering a transformative educational experience to graduate students and accelerating the development of our college's research portfolio. |

## Educational Offerings:

Describe the degree program, including the total number of credits required. Provide the four-year degree plan (undergraduate) or appropriate plan of study (graduate and professional). Please note that all courses for the degree must be approved before the degree will be reviewed by the Catalog Subcommittee.

The proposed Kinesiology program will have two options: thesis and non-thesis. The proposed schedule of courses includes two Educational Psychology courses in research and statistics (letter of support for students' use of these courses is included in the Appendix) and a Kinesiology seminar course that make up the "research core." "Didactic core" represents a core set of didactic courses tailored specifically toward a Kinesiology research emphasis for each student (see list below). "Electives" represent supplemental courses either in Kinesiology or in a related program (e.g. Bioengineering, Neuroscience, Prevention Science) that support the individual student's area of emphasis (see also the WSU supporting courses listed below). As these are all potential elective courses, our students would not create a burden on enrollment in these courses. Departments from courses listed as potential electives have been contacted about this possibility, and none have expressed any concerns with the enrollment of our students provided that our students meet the prerequisites.

### Existing courses to use fill didactic core– all have been approved

1. Ed Psych 505 *Research Methods*. Research methods; literature review; design, implementation, and interpretation of results.
2. Ed Psych 508 *Educational Statistics*. Introductory course for graduate students in applied statistics for the behavioral sciences.
3. Kines 513 *Advanced Psychology of Physical Activity*. This class provides an advanced exploration of foundational topics in sport and exercise psychology. Students will explore social and psychological factors that impact behavior and performance in sport and physical activity settings.
4. Kines 514 *Motivation Theories*. Antecedents, consequences, and processes of motivated behavior examined from theoretical, empirical, and applied perspectives.
5. Kines 515 *Etiology of Obesity*: This course provides an in-depth analysis and study of the latest research on the causes and contributors to obesity.
6. Kines 525 *Aging Across the Lifespan*. This course exams aspects of aging as a process across the lifespan including physical, mental, and emotional changes that occur throughout this process.
7. Kines 545 *Leadership Philosophy, Programming, and Marketing Physical Activity*. Planning, development, assessment of recreation, physical activity, and sport-based programming, implementation of health and physical activity marketing techniques with emphasis in leadership and practical application.
8. Kines 550 *Physical Activity Epidemiology*. Epidemiological basis for research in physical activity. Review of scientific findings concerning the effects of physical activity on chronic disease and various health indices. *\*although an approved Kines course this course could be taken over AMS from the NEP program in Spokane*
9. Kines 560 *Neuromuscular Physiology*. Understand and solve problems related to the design and function of the human nervous system that produces voluntary movement.
10. Kines 561 *Motor Control Theory*. The mechanisms, and principles governing motor control and learning, as well as the research methods commonly used in motor behavior.

11. Kines 562 *Biomechanical Measurement Techniques*. The daily operational use and maintenance of biomechanics lab equipment. The processing and analyses of biomechanics lab data.
12. Kines 563 *Balance, Gait and Running*. The biomechanical analysis and literature of balance, gait, and running.
13. Kines 580 *Applied Experiences in Exercise Physiology*. Systematic review of human physiological responses to exercise. Review of current evaluative methods for cardiorespiratory function, body composition, energy expenditure, and human athletic performance. *\*this course is similar to one offered through NEP in Spokane and students could potentially take the NEP course over AMS – however the hands-on components would need to be delivered face-to-face on the Pullman campus.*
14. Kines 584 *Exercise Prescription*. Designed to provide principles of testing and prescription based on current practices in movement education, for healthy individuals and special populations.
15. Kines 590 *Kinesiology Seminar*. Experience in presentation and discussion of scientific data broadly within kinesiology.
16. Kines 600 *Independent Study*
17. Kines 700 *Master's Research, Thesis, and/or Examination*
18. Kines 702 *Master's Special Problems, Directed Study and/or Examination*

#### WSU supporting courses as possible electives

<b>Bioengineering</b>	525 Biomechanics 3 Methods for analysis of rigid body and deformable mechanics; application to biological tissue, especially bone, cartilage, ligaments, tendon and muscle.
	541 Systems Bioengineering 3 Physiological systems emphasizing the cardiovascular, pulmonary, renal, endocrine, musculoskeletal, nervous and sensory systems.
<b>Biology</b>	579 Mathematical Modeling in the Biological and Health Sciences 3 Techniques, theory, and current literature in mathematical modeling in the biological and health sciences, including computational simulation.
	582 Professional Communication in Biology - Grant Writing 2 Mechanics and style of publishing biological research and findings; adaptation of writing to various venues and audiences with emphasis on grant writing.
<b>Communications</b>	514 Health Communication Theories and Campaigns 3 Health communication theories with a focus on campaign construction and evaluation.
	516 Health Communication and Society 3 3 Reviews, critiques and applications of research regarding the impact of social and cultural environments on health communication.
	541 Science Communication 3 Introduction to the role of communication in the formation of attitudes, opinions, and knowledge about important science issues.
<b>Educational Psychology</b>	572 Introduction to Systematic Literature Reviews and Meta-Analyses 3 Course Prerequisite: ED PSYCH 505 or 508. Introduction to the steps involved in conducting systematic reviews and meta-analyses.
	575 Multilevel Modeling 3 Course Prerequisite: ED PSYCH 565. Introduction to multilevel modeling techniques; examines the use of these techniques in the social sciences. Recommended preparation: ED PSYCH 569.
<b>Health Communication</b>	570 Health Communication and Behavior Change 3 Application of behavior change theories to construction and evaluation of health communication campaigns.
	571 Communicating Health in Practice 3 Health communication and promotion across a variety of settings and mediums, from interpersonal to promotional campaigns.
	572 Communicating Health to Specialized Populations 3 Literature and theory of cross-cultural communication and cultural aspects of health.
	573 Communicating Health in a Digital Landscape 3 Development and implementation of health-related content through a variety of digital platforms.
	574 Health Message Design and Effectiveness 3 Behavior change theories as they relate to health communication message design and evaluation.

<b>Math</b>	540 Applied Mathematics I 3 Partial differential equations; Fourier series and integrals; Bessel functions; calculus of variations; vector calculus; applications. Credit not granted for both MATH 440 and MATH 540. Required preparation must include differential equations.
	541 Applied Mathematics II 3 Complex variable theory including analytic functions, infinite series, residues, and conformal mapping; Laplace transforms; applications. Credit not granted for both MATH 441 and MATH 541. Required preparation must include differential equations.
<b>Mechanical Eng</b>	530 Elasticity 3 Theory of kinematics of solid deformable bodies; conservation laws applied to an elastic continuum; generalized linear stress-strain behavior with applications.
	531 Theory of Plasticity 3 The fundamentals of the theory of plasticity; the classical theory of plasticity; the classical theory and modern continuum theories of large elasto-plastic deformations.
	532 Finite Elements 3 Theory of finite elements; applications to general engineering systems considered as assemblages of discrete elements.
<b>Material Science</b>	506 Biomaterials 3 Overview of the different types of materials used in biomedical applications such as implants and medical devices.
<b>Neuroscience</b>	540 Special Topics in Integrative Neuroscience V 1-3 May be repeated for credit; cumulative maximum 6 hours. Concepts and controversies in neuroscience involving integrative properties of cell systems. Cooperative: Open to UI degree-seeking students.
	541 Special Topics in Cellular and Molecular Neuroscience V 1-3 May be repeated for credit; cumulative maximum 6 hours. Concepts and controversies in neuroscience that involve nerve cell function and regulation. Cooperative: Open to UI degree-seeking students.
	542 Special Topics in Interdisciplinary Neuroscience V 1-3 May be repeated for credit; cumulative maximum 6 hours. Concepts and controversies in neuroscience that revolve around traditional approaches to nervous system study. Cooperative: Open to UI degree-seeking students.
	543 Special Topics in Behavioral/Clinical Neuroscience V 1-3 May be repeated for credit; cumulative maximum 6 hours. Concepts and controversies in neuroscience that involve normal and pathological aspects of behavior. Cooperative: Open to UI degree-seeking students.
<b>Nutrition and Exercise Physiology</b>	526 Nutritional Epidemiology 3 The relationship between nutritional status, diet, and disease at the community and population level.
	573 Nutrition in the Community 2 Public health from a nutrition perspective including current issues in nutrition healthcare, overview of existing programs and assessment of program planning.
<b>Prevention Sci</b>	508 Longitudinal Structural Equation Modeling 3 Longitudinal structural equation modeling and the use of Mplus statistical software to perform and interpret a broad range of longitudinal structural equation models. Recommended preparation: ED PSYCH 576, PSYCH 514, PSYCH 516, or previous knowledge of multivariate analysis and factor analysis.
	510 Multilevel Modeling II: Advanced Multilevel Models for Longitudinal Data 3 Advanced applications of the general linear mixed model (aka multilevel model, hierarchical linear model, latent growth curve model, random coefficients model) used to analyze data from longitudinal, repeated measures designs; conduct cumulative steps in a longitudinal multilevel analysis, including setting up data file and coding variables, evaluating fixed and random effects and interpreting covariance structures, predicting between- and within-person variation using time-invariant and time-varying covariates, and interpreting empirical findings. Recommended preparation: ED PSYCH 575 or previous knowledge of multivariate analysis and multilevel modeling.
	512 Finite and Growth Mixture Modeling 3 Introduction to a specific type of latent variable statistical models, commonly referred to as finite mixture models, which include several distinct subtypes including latent class analysis, latent profile analysis, latent transition analysis, and latent class growth analysis; conceptual background for models and application of models in practice. Recommended preparation: ED PSYCH 514 and ED PSYCH 576, or knowledge of multivariate analysis and psychometrics.
	513 Research Methods in Prevention Science 3 Introduction to process of research and methods in prevention science; techniques of research, data collection, and data analysis procedures.
	535 Effective Prevention Strategies I 3 Community mobilization and problem analysis; program selection, implementation, and management; grant writing.
	540 Effective Prevention Strategies II 3 Evaluation of prevention science programs.
<b>Psychology</b>	514 Psychometrics 3 Course Prerequisite: PSYCH 512. Scientific construction of behavioral assessment instruments, including validation and reliability; types of scales and responses; statistical scaling; test theory issues.

	516 Applied Structural Equation Modeling with Current Software 3 Course Prerequisite: PSYCH 512; PSYCH 514. Confirmatory factor analysis, path analysis, structural regression analysis, multilevel analysis and latent growth analysis with current software.
<b>Special Education</b>	589 Seminar in Disability Studies. Explore the meaning, and lived experiences of disability to better examine disability as a social, cultural and political phenomenon.
	592 Single Subject Research Design and Methods. Explore objective behavior through experimental manipulation and control, which includes collecting highly structure data on a small number of individuals, and analyzing those data quantitatively.
	593 Diversity Issues in Special Education: Theory Research and Practice. Explore issues of diversity and equity and special education, including but limited to assessment practices, educational interventions and services, diversity of the workforce, and cultural competence among professionals.

### Check-sheet of Requirements

	Thesis option courses (credits)	Non-thesis option courses (credits)
Research core	Ed Psych 505 (3) – research methods Ed Psych 508 (3) – stats Kines 590 (4) – seminar	Ed Psych 505 (3) – research methods Ed Psych 508 (3) – stats Kines 590 (4) – seminar
Didactic core (tailored to the student’s area of emphasis)	Kines 4xx or 5xx (3) Kines 4xx or 5xx (3)	Kines 4xx or 5xx (3) Kines 4xx or 5xx (3) Kines 5xx (3) Kines 5xx (3)
Project/Thesis	Kines 700 (9)	Kines 702 (3)
Electives (to support student’s emphasis)	_____ 5xx (9)	_____ 5xx (9)
Required number of credits	34	34

### Sample schedule for full-time non-thesis option (10 credits / semester for full-time)

Fall year 1		Spring year 1		Fall year 2		Spring year 2	
Credits	Class	Credits	Class	Credits	Class	Credits	Class
3	Ed Psych 505	1	Kines 590	3	Ed Psych 508	1	Kines 590
1	Kines 590	3	Didactic core	1	Kines 590	3	Didactic core
3	Didactic core	3	Elective	3	Didactic core	3	Elective
3	Didactic core	3	Kines 600	3	Elective	3	Kines 702
10		10		10		10	

### Sample schedule for full-time thesis option (10 credits / semester for full-time)

Fall year 1		Spring year 1		Fall year 2		Spring year 2	
Credits	Class	Credits	Class	Credits	Class	Credits	Class
3	Ed Psych 505	1	Kines 590	3	Ed Psych 508	1	Kines 590
1	Kines 590	3	Didactic core	1	Kines 590	3	Elective

3	Didactic core	3	Elective		
3	Elective				
1	Kines 700	3	Kines 700	6	Kines 700
11		10		10	

Provide descriptive information regarding (the) method(s) of instructional delivery (percent face-to-face, hybrid, distance, and/or competency-based).

All courses in Kinesiology will be face-to-face with the exception of KINES 600, 700, and 702, which are competency-based. EdPsych courses can be taken face-to-face, and are also offered through AMS. Some elective courses may be taken by other methods, including AMS, on an individual basis.

### Assessment of Student Learning and Student Achievement

**\* For graduate programs, please contact the Graduate School before completing this section.**

Please provide a list and description of expected student learning outcomes.

1. Ability to think critically, evaluate, understand, apply, and communicate scientific research.
2. Demonstrate advanced kinesiology knowledge in chosen area of focus.
3. Ability to understand and apply research principles.
4. Awareness and understanding of how diversity issues, special and protected populations influence research and practice.
5. Development of professional identity appropriate for future career plans.

For undergraduate programs, provide the department's plan for assessing student learning outcomes. Describe briefly how information on student learning will be collected and incorporated into existing processes for evaluating student learning in the department. Please attach the plan and a curriculum matrix.

Student Learning Objectives (SLOs) will be collected through a combination of direct measures (e.g. course exams, term papers, thesis defense, student assessment) and indirect measures (e.g. exit survey, employment rates). Identifiable assessment data will only be shared within the graduate faculty, and administration when required. Graduate faculty will use data for mentoring purposes. The curriculum committee will use data for curricular changes and development. The assessment committee will use data for program changes and improvements. Such activities will be documented and reported in an annual assessment report as requested by the Graduate School each June. Unidentifiable assessment data will be shared with the Kinesiology advisory board for recommendations on program changes.

Please indicate as appropriate:

- Assessment of this program will be incorporated into the existing assessment plan for \_\_\_\_\_ . Please attach a copy of the existing plan.
- A draft assessment plan is attached.
- A curriculum matrix is attached (in assessment plan).

**Planning:**

Describe plans and include descriptions which provide evidence of:  
 1. The need for the change

Washington does not currently have a research-intensive kinesiology master’s degree in a graduate program at a research-intensive university that focuses on preparing scientists to conduct research and become practitioners that use evidence-based practices in a variety of kinesiology sub-discipline areas (e.g., sport and exercise psychology, motor control). Washington students seeking such a career are leaving the state and even the region, as most of these programs are offered in California or farther east. These out-of-state programs will cost Washington residents substantially more than staying in state. Recent investments the College of Education has made in the Kinesiology program through tenure-track hires (and their corresponding research labs) has positioned our program to offer a leading Washington research-based kinesiology graduate degree and meet the needs of Washington students.

A research-based graduate program in Kinesiology will also bolster our undergraduate student interest in research, support faculty research productivity, improve the chances for faculty attempts to acquire external funding, enhance the College of Education’s research productivity, and provide didactic opportunities for students in related programs at WSU on the Pullman campus.

2. The student population to be served

Provide realistic justification for the projected FTE.

How can transfer students articulate smoothly into the program and complete it with approximately the same number of total credits as students who enter WSU as freshmen?

Please describe specific efforts planned to recruit and retain students who are persons of color, disabled, or whose gender is underrepresented in this discipline.

The new master’s in Kinesiology will primarily serve graduates of undergraduate Kinesiology programs in the northwest, with emphasis on Washington kinesiology undergraduates who currently have no in-state research-intensive option. A survey conducted among WSU Kinesiology undergraduate students and evaluation of current northwest options support our conclusion that we will be able to easily meet our target enrollment number of 25 students.

Students	Year 1	Year 2	Year 3	Year 4	Year 5	Year N*
Headcount	(all 1 <sup>st</sup> year students in first cohort)	(15 2 <sup>nd</sup> year +12 1 <sup>st</sup> year)	(12 2 <sup>nd</sup> year + 13 1 <sup>st</sup> year)	(12 2 <sup>nd</sup> year + 13 1 <sup>st</sup> year)	(12 2 <sup>nd</sup> year + 13 1 <sup>st</sup> year)	(12 2 <sup>nd</sup> year + 13 1 <sup>st</sup> year)
	15	27	25	25	25	25
AAFTE	15.75	27.6	25.65	25.60	25.65	26.25

This is a two-year program. In five years, the student enrollment is expected to be at approximately 25 total students, however, this will be reduced as we inevitably introduce a Ph.D. program. Annual Average FTE was calculated based on enrollment beginning with 15 students in year one, 27 (15 plus 12 new students) in year 2, and 25 (approximately 12 – 13 new students each year in addition to 12-13 returning students) thereafter. The expectation is that in the two-year program students in their first year will take an average of 11 credits in the fall and 10 credits in the spring and in the second year will take 10 credits in the fall and 10 in the spring. Most of these credits represent College of Education courses, but elective course could be from any similar science program on the Pullman campus. The AAFTE is calculated to start at 15.75 in year one, increase to 27 in year 2 and stabilize at 25 for future years.

The majority (n = 56; 60%) of graduating WSU Kinesiology students surveyed in the fall of 2015 reported being likely or very likely to consider an M.S. in Kinesiology at WSU (rates increase when given the possibility of a partially paid assistantship). If only 25% of those students both met our graduate enrollment requirements and chose to matriculate into the M.S. degree, we would only be one student short of our first-cohort target of 15 students

enrolled in our M.S. degree. We expect that many of our M.S. students will initially come from our own undergraduate program.

Given that the Pullman area is fairly homogenous with respect to race, income, and educational levels (mostly Caucasian, well-educated, etc.), efforts will be made to recruit prospective students from outside of our rural community. We will encourage particular recruitment efforts at professional conferences and meetings, where students from various geographical regions will be in attendance, in an attempt to increase program visibility to more diverse populations.

3. Procedures used in arriving at the decision to change (e.g., consultation with advisory boards, input from industry or employers, commissioned studies, faculty task force, etc.).

There was a M.S. degree in Kinesiology approved to be offered Fall 1995. The Kinesiology and Leisure Studies Department offered this degree, but split in 2002, with the graduate program moving into the College of Pharmacy. The College of Pharmacy revised the degree, renaming the degree M.S. in Exercise Science. The M.S. in Exercise Science was discontinued in 2008 when nutrition was added to form Nutrition and Exercise Physiology (NEP) a new M.S. in Nutrition and Exercise Physiology was approved 2011. Since the split between Pullman-based and Spokane-based programs, the Kinesiology and NEP programs have diverged in focus and course offerings. Kinesiology is a substantially different and independent program than NEP. Nutrition and exercise physiology are both topics that represent a sub-discipline of kinesiology. However, as the broad study of human movement, Kinesiology has a much different and more comprehensive focus than NEP, as evidenced by a majority of current faculty expertise in other kinesiology sub-disciplines. This distinction is discussed more at the end of the proposal. The Pullman Kinesiology program has proven to be an independent and high-demand undergraduate degree, as described below. The regrowth of Kinesiology supports the demand and need for a graduate degree in Kinesiology on the Pullman campus. There is currently no CIP code for a M.S. in Kinesiology at WSU. Therefore, this would be considered a new degree.

Below we detail the information used to arrive at the decision to create a M.S. in Kinesiology degree. This includes internal survey, review of current regional offerings, and a demand analysis.

The majority (n = 56; 60%) of graduating WSU Kinesiology students surveyed in the fall of 2015 reported being likely or very likely to consider an M.S. in Kinesiology at WSU (rates increase when given the possibility of a partially paid assistantship). If only 25% of those students met our graduate enrollment requirements and chose to matriculate into the M.S. degree, we would be one student short of our first-cohort target of 15 students enrolled in our M.S. degree. In addition, approximately 50 undergraduate kinesiology students currently volunteer in our various research labs each year. For these reasons, we expect to attract many graduate students from our own undergraduate program.

We will also attract students to WSU from other regional and national kinesiology undergraduate programs, and local health care professionals desiring an advanced degree for career advancement. Currently, degrees closely related to kinesiology are offered at several regional universities (Table below). There is currently no option in the state of Washington for students to pursue a research-intensive kinesiology graduate degree from a research-intensive university [that captures the range of faculty expertise covered in the Pullman based Kinesiology program](#). Students in the state of Washington and at WSU who want a research-focused degree in kinesiology are currently moving out of state to complete their degrees.

There were approximately **10,000** Kinesiology-related undergraduate students in our region in 2016 ([Table 2](#)) and about **3000** graduates each year. [Our target recruitment base would be undergraduate students in Kinesiology-related degree programs](#). According to a survey the WSU Kinesiology program conducted in 2015 with our upper division undergraduate students, we anticipate successful recruitment from within our undergraduate program. If only 20% of the undergraduate students within our region have a similar interest, this would presume 600 students in our region are looking for a master's degree program. In our region there are only 15 master's programs currently enrolling approximately 300 students. That would leave a predicted 300 students without a regional option for a

master's degree in Kinesiology. Many students in our region (including those who complete their undergraduate degree at WSU) currently have to leave the region to attend a master's program in kinesiology. |

Universities in our region that offer a kinesiology or similar degree as of 2016, and their corresponding approximate enrollment numbers. X indicates programs that did not provide their enrollment numbers. [These are total students enrolled and are thus the total base of students in related degree programs.](#)

University	Degree program	B.S./B.A.	M.S./M.A.	Ph.D.
Washington State U.	Kinesiology	518 <sup>^</sup>		
Western Washington U.	Kinesiology	560	12	
Central Washington U.	Integrative Human Physiology	225	12	
Eastern Washington U.	Exercise Science	200	10	
Whitworth U.	Kinesiology	42		
Gonzaga U.	Human Physiology	175		
Seattle U.	Sport and Exercise Science	120		
Seattle Pacific U.	Exercise Science	60		
U. Puget Sound	Exercise Science	90		
U. Idaho	Exercise Science & Health	X	10	X
Boise State U.	Kinesiology	X	X	
Idaho State U.	Physical Education	123		
Lewis-Clark State C.	Exercise Science	180		
U. Oregon	Human Physiology	750	22	16 <sup>^</sup>
Oregon State U.	Kinesiology	X	X	X
Portland State U.	Community Health	1750	75	7 <sup>^</sup>
Pacific U.	Exercise Science	150		
Willamette U.	Exercise Science	X		
U. Montana	Health and Human Performance	X	X	
Montana State U.	Exercise and nutrition sciences	379	19	
<b>Total</b>		4804	160	23

<sup>^</sup> Program reporting new and/or growing enrollment numbers

\* Program reporting declining enrollment numbers

X exact numbers not provided

[We did not include regional Canadian Universities \(representing approximately 1583 undergraduates\). Because we currently have undergraduate students from these locations, these demonstrate an addition pool of potential students.](#)

Assuming that there will be some students who come from outside of our Kinesiology undergraduate student body (either from another WSU program or another university), we can conservatively estimate a beginning enrollment of 15 students, increasing to a total of 25 enrolled students each year.

**Growth Rate:** The number of Washington state high school graduates has trended upward over the last five years (<http://www.k12.wa.us/dataadmin/>). Kinesiology is becoming an increasingly popular undergraduate route for these students. The total number WSU students that have expressed an academic interest in Kinesiology has more than doubled over the last three years. We are currently projecting to increase our undergraduate student numbers over the next year. There are several other undergraduate programs in our region that are also projecting an increase in undergraduate enrollment (Table above).

The Bureau of Labor Statistics indicates that all healthcare occupations requiring a master's or clinical doctoral degree will have slightly faster or much faster job growths compared to the average job outlook (<http://www.bls.gov/ooh/healthcare/home.htm>). The M.S. in Kinesiology degree program will provide graduates with the needed or résumé-enhancing education for these potential health professions. Students may pursue professions in community health, organizational health, and industrial health with this degree, or use it to enhance their credentials when applying for medical and other allied professional schools. *However, the primary purpose of this M.S. degree is to serve students desiring to matriculate into a Kinesiology Ph.D. program in our region (Table above) and prepare students for a future Kinesiology Ph.D. program at WSU.*

**Agenda**  
**Finance and Compliance Committee**  
**Thursday, May 7, 2020**  
**9:45 am – 10:00 am**

Committee: Committee of the whole – Marty Dickinson (Chair)

<u>Action Items</u>	<u>Section</u>
1. 2021-2023 Biennial Operating Budget Request <i>(Pearson/Kerr)</i>	F-1
2. 2021-2023 Biennial Capital Budget Request <i>(Pearson/Yang/Kerr)</i>	F-2
1. Athletics Budget Approval - Estimated Financial Impacts Due to COVID 19 <i>(Chun/Pearson)</i>	F-3

# ACTION ITEM 1

## 2021-2023 Biennial Operating Budget Request (Stacy Pearson/Colleen Kerr)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: 2021-2023 Biennial Operating Budget Request

PROPOSED: That the WSU Board of Regents approve the 2021-2023 Biennial Operating Budget Request and the Board delegate authority to the President to approve changes or adjustments that may need to be made before the submission is finalized for presentation to the Office of Financial Management.

SUBMITTED BY: Stacy Pearson, Vice President, Finance and Administration

SUPPORTING INFORMATION: A 2021-2023 Biennial Operating Budget request will be submitted to the Office of Financial Management this fall in accordance with their instructions, which will be published later this spring. We are aware that the State's budget directives are subject to change due to the impacts of COVID 19 and the items below represent our top priorities.

Medical School Completion Funding approx. \$3.6M

Salaries for Faculty, Staff, and Graduate Students (Amount represents a 1% increase each of the two years. WSU will coordinate with other institutions on the final requested percentage.) approx. \$9.5M

Maintenance and Operations of new Buildings approx. \$0.9M



# BOARD OF REGENTS

## FY2021-2023 Biennial Operating Budget Request

### Resolution #200508-625

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 WSU Board of Regents approve creating decision packages to be submitted as the 2021-2023 Biennial Operating Budget Request as outlined in the list below and delegate authority to the President to approve final detailed decision packages for this request, including any changes to the packages, which will address critical funding issues for the University.

Medical School Completion Funding	approx. \$3.6M
Salaries for Faculty, Staff, and Graduate Students (Amount represents a 1% increase each of the two years. WSU will coordinate with other institutions on the final requested percentage.)	approx. \$9.5M
Maintenance and Operations of New Buildings	approx. \$0.9M

Dated this 8th day of May, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents

## **ACTION #2**

### **2021-2023 Biennial Capital Budget Request (Stacy Pearson/Olivia Yang/Colleen Kerr)**

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** 2021-2023 Biennial Capital Budget Request Approval

**PROPOSED:** That the Board of Regents approve the 2021-2023 Biennial Capital Budget Request and delegate authority to President to designate specific projects for the mini majors "Stand Alones" category.

**SUBMITTED BY:** Stacy Pearson, Vice President for Finance and Administration

**SUPPORTING  
INFORMATION:**

WSU has recently presented the challenging conditions of our academic facilities and research labs to the Regents, highlighting the negative impacts of declining facility conditions and the extensive deferred maintenance backlog on our academic and research mission. We also provided an overview of a revised capital planning and budget process to improve the effectiveness of and to better leverage our state capital funds. Based on this revised process and the feedback received, we are submitting the following State Capital Budget request for 2021-23.

**The 2021-23 State Capital Budget request is as follows:**

<b>WASHINGTON STATE UNIVERSITY</b>					
<b>2021-23 State Capital Budget Funding Request</b>					
					<b>State Request</b>
<b>Priority</b>	<b>Project</b>	<b>Type</b>	<b>Theme</b>	<b>Stage</b>	<b>2021-23</b>
	Minor Capital Preservation (MCR)	Minor	Preservation	Pool	\$ 35,000,000
	Minor Capital Program (MCI & Omnibus Equip.)	Minor	Research	Pool	\$ 10,000,000
	Johnson Hall Demolition--Def maint and new bldg site	Mini-Major	Space Optimization	D/C	\$ 8,000,000
	Water Storage Tank-critical Infrastructure/fire suppression	Mini-Major	Infrastructure	D/C	\$ 8,000,000
	Vancouver Life Sciences Building	Major	Learning	C	\$ 52,500,000
	Spokane Health Sciences Renovation PhI Biomedical	Major	Learning	D/C	\$ 15,000,000
	Pullman Life and Physical Sciences Building	Major	Learning	PD	\$ 500,000
	Engineering Renovation/Replacement Ph 1	Major	Learning	PD	\$ 500,000
	Learning (undergraduate teaching labs)	Mini-Major	Learning	D/C	\$ 4,900,000
	Research	Mini-Major	Research	D/C	\$ 4,900,000
<b>2021-23 State Capital Budget Request</b>					<b>\$ 139,300,000</b>
	Preventive Maintenance Budget to Capital (Assumes Permanent)		Operations	Pool	\$ 10,115,000
	Target Reappropriation		All		\$ 5,000,000
					<b>\$ 154,415,000</b>

Our top request is preservation dollars to support the mitigation of the deferred maintenance backlog.

- Johnson Hall is on the current proposed site for the new \$105 million federally funded USDA Agricultural Research Services (ARS) facility. The demolition of this building will allow the current operations and maintenance (O&M) budget to be transferred to support the O&M costs of operating the new USDA ARS facility, which the University is required to provide.
- The Campus Fire Protection/Domestic Water tank is over 50 years old and is critical to maintaining the domestic water supply and to provide fire protection for the Pullman campus.
- The WSU Vancouver Life Science building is a construction request based on predesign and design appropriation in previous biennia, and is critical to supporting our research and outreach mission.
- The Spokane Health Sciences renovation project will upgrade existing space to be utilized as the first phase of Spokane's BioMedical building and provides greatly needed health sciences space in a shorter time frame.
- The Pullman Life and Physical Sciences building predesign has been on the State request for the past four years and is critical to support the research mission and the Science, Technology and Math foundation courses in the Life and Physical sciences.
- Engineering predesign is critical to support capital investment in VCEA in support of STEM education. State funding can also be used to leverage private donations to expand the investment in engineering facilities.
- The Learning and Research mini-majors or "Stand Alones" address capital needs across the system in teaching and research in a more timely manner.

Following the Regents action in May, WSU will prepare the formal budget request for submission to the Washington State Office of Financial Management (OFM) by the September 2020 deadline.

**BOARD OF REGENTS**  
2021-2023 Biennial Capital Budget Request

**Resolution #200508-626**

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 approve the FY2021-2023 Biennial Capital Budget Request and delegate authority to President to designate specific projects for the mini majors "Stand Alones" category.

Dated this 8th day of May, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents

**ACTION ITEM #3**  
FY2020 Athletics Budget Update  
Impact of COVID-19  
(Stacy Pearson/Pat Chun)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: FY2020 Athletics Budget – Impact of COVID-19

PROPOSED: That the Washington State University Board of Regents approve the projected changes to the FY2020 Athletics budget that are a result of the COVID-19 pandemic. Changes include reductions to both revenue and expenses.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

SUPPORTING  
INFORMATION:

Washington State University has implemented a fiscal recovery plan for WSU Athletics to achieve an operating breakeven position by FY2023. This plan also ensures that WSU is fully compliant with [RCW 28B.15.120](#) (Board of trustees or regents—annual budget requirements), which requires certain actions of state college and university boards related to the budgets of intercollegiate athletics programs.

The statute requires that the WSU Board of Regents specifically approve, in an open public meeting, any expenditure over two hundred fifty thousand dollars that was not included in the approved annual budget. While the impacts of COVID-19 on the Athletics budget is projected to result in a larger FY2020 deficit, this is not due to an increase in expenditures. In fact, the expenditures have declined, but this decrease is offset by a significant decrease in estimated revenues that has resulted a larger FY2020 deficit projection of approximately \$1.9 million.

These revenue reductions are primarily driven by the unforeseen cancellation of numerous athletics events. With respect to revenue we are anticipating potential reductions in NCAA/Pac-12 distributions, fundraising and ticket sales. On the expense side, we expect to realize savings in the areas of team travel and game expenses due to the cancellation of all spring seasons. We also expect reductions in recruiting expense as all coaches are complying with the “Stay Home, Stay Safe” directive from the Governor.

Due to the rapidly changing environment, it would be premature to make any changes to the projections for FY2021-FY2024 at this time. Athletics is working to anticipate the impacts of COVID 19 to develop the FY2021 budget in the next month, along with associated projections for future years. The FY2021 budget will be presented to the WSU Board of Regents at the June 2020 retreat.

ATTACHMENTS: Attachment A: April 2020 Update to the FY2020 Approved Operating Budget with Revenue and Expenditure Impacts Related to the COVID 19 Pandemic.

Attachment B: Athletics Five Year Annual Operating Budgets Approved by the WSU Regents FY2020-2024.

## Washington State University Athletics Budget - Projected

	FY2020	Jan Update	April Update		
<b>REVENUES:</b>					
01 - Ticket Sales	8.6	8.6	8.6	(0.0)	Reduced ticket sales (Baseball; \$36.5K)
02 - Direct State/Gov Support	-	-	-	-	
03 - Student Fees	1.5	1.5	1.5	-	
04 - Direct Inst. Support	3.7	3.7	3.7	-	
05 - Less Xfer to Inst.	-	-	-	-	
06 - Indirect Inst. Support	0.4	0.4	0.4	-	
06A - Debt Service, Lease, Rentals	-	-	-	-	
07 - Guarantee Revenue	0.1	0.1	0.1	-	
08 - Contributions	11.1	11.1	10.6	(0.5)	Projected reduction in donations
09 - In-Kind	1.6	1.6	1.6	-	
10 - 3rd Party Compensation	-	-	-	-	
11 - Media Rights	21.9	21.9	21.9	-	
12 - NCAA Distribution	1.5	1.5	0.6	(1.0)	Estimate based on letter from NCAA
13 - Conference Distribution	12.1	12.2	10.5	(1.7)	Estimate based on projections from Pac-12
14 - Program/Concessions etc.	1.1	1.1	1.1	-	
15 - Royalties/Advert. etc.	3.2	3.2	3.2	-	
16 - Sport Camp Revenue	0.3	0.3	0.3	-	
17 - Endowments	0.6	0.6	0.6	(0.1)	Estimate due to stock market reductions (\$64K)
18 - Other Revenue	2.0	4.2	4.2	(0.1)	Lost concession revenues (\$65K)
19 - Bowl Revenue	2.6	1.4	1.4	-	
<b>Total Revenue</b>	<b>72.5</b>	<b>73.6</b>	<b>70.2</b>	<b>(3.3)</b>	
<b>EXPENSES:</b>					
20 - Athletic Aid	11.0	11.0	11.0	-	
21 - Guarantee Expense	1.8	1.9	1.9	-	
22 - Coaches Comp: WSU	14.3	14.3	14.3	-	
23 - Coaches Comp: 3rd Party	-	-	-	-	
24 - Admin Comp: WSU	15.1	15.1	15.1	-	
25 - Admin Comp: 3rd Party	-	-	-	-	
26 - Severance	2.0	3.1	3.1	-	
27 - Recruiting	1.5	1.5	1.2	(0.3)	Estimate based on Spring recruiting cancelled
28 - Team Travel	4.7	4.8	4.0	(0.8)	Estimate based on cancellation of Spring season
29 - Equipment	2.2	2.2	2.2	-	
30 - Game Expenses	2.5	2.5	2.4	(0.1)	Estimate based on cancellation of Spring season
31 - Fund Raising/Marketing	2.4	2.4	2.4	-	
32 - Sport Camp Expense	0.3	0.3	0.3	-	
33 - Spirit Groups	0.2	0.2	0.2	-	
34 - Facilities: Debt/Lease/Rental	9.6	9.6	9.6	-	
35 - Direct Admin Expense	2.0	2.0	2.0	-	
36 - Indirect Inst. Support	0.4	0.4	0.4	-	
37 - Medical/Insurance	0.9	0.9	0.9	-	
38 - Dues & Memberships	2.4	2.4	2.4	-	
39 - Student-Athlete meals	1.0	1.0	1.0	-	
40 - Other Expense	4.7	5.2	5.0	(0.2)	Reduced concession expense; cancelled admin travel
41 - Bowl Expenses	2.1	1.5	1.5	-	
41A - Coaches Bowl Bonuses	0.5	0.5	0.5	-	
<b>Total Expenses</b>	<b>81.7</b>	<b>82.9</b>	<b>81.5</b>	<b>(1.4)</b>	
<b>Net Income from Operations</b>	<b>(9.3)</b>	<b>(9.3)</b>	<b>(11.2)</b>	<b>(1.9)</b>	
<b>56-Capitalized Expenses</b>	<b>6.7</b>	<b>6.7</b>	<b>6.7</b>		
<b>Net Income after Capitalized Expense</b>	<b>(16.0)</b>	<b>(16.0)</b>	<b>(17.9)</b>		
<b>Accumulated Deficit</b>	<b>(92.8)</b>	<b>(92.8)</b>	<b>(94.7)</b>		

## Washington State University Athletics Budget - Projected

	FY2020	FY2021	Projected FY2022	FY2023
<b>REVENUES:</b>				
01 - Ticket Sales	8.6	10.7	11.0	12.0
02 - Direct State/Gov Support	-	-	-	-
03 - Student Fees	1.5	1.4	1.4	1.4
04 - Direct Inst. Support	3.7	3.8	3.9	4.0
05 - Less Xfer to Inst.	-	-	-	-
06 - Indirect Inst. Support	0.4	0.4	0.4	0.4
06A - Debt Service, Lease, Rentals	-	-	-	-
07 - Guarantee Revenue	0.1	0.2	-	0.3
08 - Contributions	10.6	11.7	11.5	12.0
09 - In-Kind	1.6	1.6	1.6	1.6
10 - 3rd Party Compensation	-	-	-	-
11 - Media Rights	21.9	23.0	24.2	25.5
12 - NCAA Distribution	0.6	1.6	1.6	1.7
13 - Conference Distribution	10.5	12.1	12.8	13.0
14 - Program/Concessions etc.	1.1	1.5	1.6	1.7
15 - Royalties/Advert. etc.	3.2	4.5	5.0	5.2
16 - Sport Camp Revenue	0.3	0.3	0.3	0.3
17 - Endowments	0.6	0.7	0.7	0.7
18 - Other Revenue	4.2	2.4	2.5	2.5
19 - Bowl Revenue	1.4	2.7	2.8	2.9
<b>Total Revenue</b>	<b>70.2</b>	<b>78.9</b>	<b>81.4</b>	<b>85.3</b>
<b>EXPENSES:</b>				
20 - Athletic Aid	11.0	11.7	12.0	12.2
21 - Guarantee Expense	1.9	1.3	1.8	1.6
22 - Coaches Comp: WSU	14.3	15.4	14.8	14.9
23 - Coaches Comp: 3rd Party	-	-	-	-
24 - Admin Comp: WSU	15.1	15.3	15.5	15.8
25 - Admin Comp: 3rd Party	-	-	-	-
26 - Severance	3.1	1.7	1.3	-
27 - Recruiting	1.2	1.6	1.6	1.7
28 - Team Travel	4.0	4.7	4.8	5.0
29 - Equipment	2.2	2.3	2.3	2.5
30 - Game Expenses	2.4	2.7	2.7	2.8
31 - Fund Raising/Marketing	2.4	2.5	2.6	2.7
32 - Sport Camp Expense	0.3	0.3	0.3	0.3
33 - Spirit Groups	0.2	0.2	0.2	0.2
34 - Facilities: Debt/Lease/Rental	9.6	10.0	10.0	10.0
35 - Direct Admin Expense	2.0	2.1	2.1	2.2
36 - Indirect Inst. Support	0.4	0.4	0.4	0.4
37 - Medical/Insurance	0.9	0.9	0.9	1.0

38 - Dues & Memberships	2.4	2.5	2.6	2.7
39 - Student-Athlete meals	1.0	1.0	1.0	1.0
40 - Other Expense	5.0	4.6	4.7	4.8
41 - Bowl Expenses	1.5	2.2	2.3	2.4
41A - Coaches Bowl Bonuses	0.5	0.5	0.5	0.5
<b>Total Expenses</b>	<b>81.5</b>	<b>83.9</b>	<b>84.6</b>	<b>84.7</b>
<b>Net Income from Operations</b>	<b>(11.2)</b>	<b>(5.0)</b>	<b>(3.2)</b>	<b>0.5</b>
<b>56-Capitalized Expenses</b>	<b>6.7</b>	<b>0.3</b>	<b>0.0</b>	<b>-</b>
<b>Net Income after Capitalized Expenses</b>	<b>(17.9)</b>	<b>(5.3)</b>	<b>(3.2)</b>	<b>0.5</b>
<b>Accumulated Deficit</b>	<b>(94.7)</b>	<b>(100.1)</b>	<b>(103.3)</b>	<b>(102.8)</b>

We are not projecting any changes to future years at this time. With all the uncertainty at the national, conference and state levels, any projections would be premature. We look forward to presenting our best estimate for the FY21 Athletics budget at the June retreat.

## Agenda

### Strategic and Operational Excellence Committee

Thursday, May 7, 2020  
10:00 a.m. – 11:00 a.m.

Committee: Committee of the whole – Heather Redman (Chair)

#### **Information Items**

#### **Section**

1. Modernization Update (*Pearson/Skinner*) SO-1
2. Financial Assessment of Approved Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Plan (*Pearson/Skinner/Elliott-Cheslek/Monroe*) SO-2
3. COVID 19 Pandemic Update (*Pearson/Slinker/Gonzales>Weiler*)

#### **Future Action Item**

1. WSU System-Wide Strategic Plan (*Schulz/Hoyt/Parks*)

# INFORMATION ITEM #1

Modernization Update  
(Stacy Pearson/Matt Skinner)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Modernization Update

SUBMITTED BY: Stacy Pearson, Vice President, Finance & Administration  
Matt Skinner, Associate Vice President, Finance & Administration

BACKGROUND INFORMATION: Summary of Major Activities to Date

On March 9, 2020 project leadership announced a six-month extension for the project to allow sufficient time to complete end-to-end testing, report development, user acceptance testing, and training. With the change, WSU will launch Workday in January 2021.

## Current Activities and Status

The following major focus areas have been identified by project leadership to be completed by April 30, 2020:

- Complete Mock UAT Tenant Build (data conversion)
- Resolve and close all open Configuration and Decisions
- Complete all End-to-End configuration testing scenarios and resolve critical and high defects (with medium and low impact defects to be resolved after April 30)
- Complete build, design, testing, defect resolution for approximately 100 integrations between Workday and other systems, and sign-off as complete

Project leadership is monitoring progress in these focus areas using quantitative metrics, the project management plan, and staff resource plans on a weekly basis. The Project Management Office (PMO) continues to report quantified results to Steering Committee each month.

In addition, the change management and training team continues to develop training materials including 103 quick reference guides, curriculum for 34 instructor led trainings, and 17 online simulations and videos.

## Project Timeline

- **March-August 2020:** Complete system testing, report development, and training preparation.
- **August-September 2020:** User Acceptance Testing
- **October-December 2020:** Training
- **January 2021:** Start using Workday for WSU
- **January 2021-January 2022:** Ongoing stabilization and change support
- **January 2022:** Begin optimizing the system

## COVID-19 Impacts

In response to COVID-19, the Modernization Team (include WSU and Deloitte professionals) has shifted to remote work. To date, shift in work location has not impacted the project timeline, thanks in large part to the use of technology tools to keep the team and key stakeholders and subject matter experts connected and coordinated on daily work activities. Project leadership continues to monitor the changing environment for potential impacts to the project timeline and activities.

## Engagement and Communication

Engagement and communication continue as critical activities to support the University community in this significant change to the way daily work is performed. All Modernization community engagement events and meetings are being held using Zoom, which will allow attendees to participate from the convenience of their current work location.

The Modernization Team continues to produce a monthly newsletter and resources including blog posts, videos, and handouts.

To view the March 2020 newsletter and video resources, please visit: <https://modernization.wsu.edu/news/modernization-newsletter/>

## Project Budget

The project continues to operate within the budget approved by the Board of Regents on June 8, 2018. The project continues to maintain an adequate budget contingency.

## Project Scope

Project leadership and the executive steering committee have maintained strong oversight over scope of the project.

## INFORMATION ITEM #2

### Financial Assessment of Approved Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Plan (Stacy Pearson/Matt Skinner)

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Financial Assessment of Approved Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Plan

**SUBMITTED BY:** Stacy Pearson, Vice President, Finance & Administration  
Theresa Elliot-Cheslek, Vice President and Chief Human Resource Officer  
Matt Skinner, Associate Vice President, Finance & Administration  
Ann Monroe, Director – Benefits, Human Resource Services

**SUPPORTING  
INFORMATION:**

At the March 13, 2020 Board meeting, it was moved and seconded that the Board of Regents approve the proposed changes to the Washington State University Retirement Plan and the Washington State University Voluntary Investment Program, and to approve the resolution delegating authority to the President to execute the proposed changes, contingent upon the satisfactory outcome of an additional review by outside tax counsel, HRS Benefits Services, and WSU's Department of Finance and Administration; specifically focusing on whether any of the changes could present potential financial consequences or liability to WSU.

The resolution provided that the results of the review be presented to the Regents at the next regularly scheduled meeting as an information item.

Stacy Pearson, Vice President and Chief Financial Officer, Finance and Administration, Matthew Skinner, Associate Vice President, Finance and Administration, Theresa Elliot-Cheslek, Vice President and Chief Human Resource Officer, Ann Monroe, HRS Benefits Director and William Whitman, Special Assistant Attorney General met to review the proposed amendments to the retirement plan documents presented to the Board of Regents, specifically to identify if any proposed changes would result in substantial costs to the university, or increase liabilities.

The review found that the changes may increase annual benefit expense by up to \$100,000 per year, compared to the provisions of the existing plan documents and their associated administration.

Based on this review, the provisionally approved amendments to the plan documents were deemed essential and financially viable and were authorized to be implemented by the President.

**AGENDA**

BOARD OF REGENTS MEETING  
 Washington State University  
 Pullman, Washington  
 Friday, May 8, 2020 – 9:00 am

I.	OPENING	<u>Section</u>
	A. Report from the Chair of the Board of Regents	
	B. Report from the President	
II.	CONSENT AGENDA	
	A. Approval of Minutes – March 13, 2020 Board of Regents Meeting	Minutes
III.	REPORTS FROM SHARED GOVERNANCE GROUPS	Reports
IV.	EXECUTIVE AND GOVERNANCE COMMITTEE REPORT	
	A. Action Items:	
	1. Board of Regents Election of Officers	E-1
	2. Proposed Bylaws Modification – Article 1: Officers of the Board And Faculty Representative	E-2
V.	RESEARCH AND ACADEMIC AFFAIRS COMMITTEE REPORT	
VI.	FINANCE AND COMPLIANCE COMMITTEE REPORT	
	A. Action Items:	
	1. 2021-2023 Biennial Operating Budget Request	F-1
	2. 2021-2023 Biennial Capital Budget Request	F-2
	3. Athletic Budget Approval – Estimated Financial Impacts Due To COVID 19	F-3
VII.	STRATEGIC AND OPERATIONAL EXCELLENCE COMMITTEE REPORT	
VIII.	EXECUTIVE SESSION	
IX.	OTHER BUSINESS	
X.	PUBLIC COMMENT PERIOD	
XI.	ADJOURN	

MINUTES  
Board of Regents  
March 13, 2020

The Board of Regents of Washington State University (WSU or University) met pursuant to call in Open Meeting at 8:00 a.m. on Friday, March 13, 2020, at WSU Tri-Cities, in Richland, Washington.

Present: Brett Blankenship, Chair; Regents Ted Baseler, Scott Carson, Marty Dickinson, Johanna Pantig, Lura Powell, Heather Redman, Ron Sims, and Mike Worthy; Interim Executive Vice President and Provost Bryan Slinker and President Kirk H. Schulz. Attending the meeting via videoconferencing: Regent Lisa Schauer and Faculty Representative A.G. Rud.

**I. OPENING**

**A. Report from the Chair of the Board of Regents.** Chair Blankenship called the meeting to order, welcomed members of the audience and reported the following recent activities Regents have participated in:

- January 29<sup>th</sup> – Regents Pantig and Blankenship attended Regents and Trustee Day in Olympia.
- February 28<sup>th</sup> – Regent Blankenship attended The Bellhop at WSU Pullman.
- March 5<sup>th</sup> – Regent Carson attended a Veteran’s Symposium at WSU Tri-Cities.
- During the month of February, Regents Worthy, Schauer and Powell participated in Strategic Planning dialog sessions with WSU advisory councils in Vancouver, Spokane and the Tri-Cities.

In conclusion, Chair Blankenship reminded the audience there would be a public comment period during the meeting. He said the public comment period would be after the regular agenda items and would be for up to ten minutes.

**B. Report from the President of the University.** President Schulz welcomed the audience and the Regents to WSU Tri-Cities and commented that he would like to take a moment to acknowledge some of WSU’s senior leadership: Vice President for Student Affairs Mary Jo Gonzales, Vice President for Marketing and Communications Phil Weiler, Faculty Senate Chair Greg Crouch, and Administrative Professional Advisory Council Chair Stephanie Rink. President Schulz commented that he has been very impressed with how leadership had pulled together over the last couple of weeks focused around the COVID 19 crisis. He said many people are working around the clock to make sure WSU is putting our students first and our faculty, staff and students are trained as we move to online educational resources. President Schulz also stressed that leadership is empathetic to the fact that some students face food and housing insecurities and said WSU will work to keep residence and dining halls open on campus so long as they can do so safely. President Schulz said his colleagues have done a fantastic job of communicating and providing information, and he wanted to express his sincere appreciation to the entire university community for coming together.

President Schulz went on to report the following updates:

- **State Legislative Session.** President Schulz reported the State completed its legislative session and he recognized Vice President of External Affairs and Chief Legislative Officer Colleen Kerr and her team for the outstanding job they do. President Schulz reported one of the big takeaways this session was that WSU received funding for design work on a new Life Sciences Building on the Vancouver campus. He said WSU would be seeking construction money for the building in the 2021 session. President Schulz further reported WSU received \$800,000 for its soil health project, a collaboration with the Washington State Department of Agriculture to inventory soils throughout the state of Washington. President Schulz said WSU is already gearing up to start work on the 2021 session.
- **2020 – 2025 WSU System Strategic Plan.** President Schulz reported there are four goals that have been articulated in the draft of the system strategic plan. Goal 1, Research, Innovation, and Creativity, will recognize and embrace bold thinking to serve the needs of WSU’s communities through innovative research, scholarship and creative activities. Goal 2, Student Experience will engage students in scholarly research and experiential learning activities to prepare them to be future leaders, scholars and global citizens. Goal 3, Outreach, Extension, Service and Engagement making WSU a national leader in advancing the quality of life, economic development, sustainability, and equity through meaningful engagement in discovery, education, and service with partners throughout the state, nation and world. Goal 4, Institutional Effectiveness and Infrastructure, which will advance a culture of engagement and collaboration across WSU’s multi-campus system that values and invests in resources - physical, financial, human and intellectual - leveraging these to become a social economic driver within the communities WSU serves.

President Schulz said WSU’s future is bright and it is very important for leadership to be forward looking and positive when planning for its future.

**C. Report from the Chancellor of WSU Vancouver.** Chancellor Sandra Haynes welcomed the Regents and audience to campus. Chancellor Haynes reported the Tri-cities Campus has also been working to develop its strategic plan. She said that Tri-Cities strategic planning includes efforts to scale-up to serve the needs of a fast-growing population with in-demand degrees, focusing on underserved populations. It will address local degree gaps and accommodate a rapidly diversifying industry base by providing corporate and continuing education. Chancellor Haynes further provided updates on the new WSU Tri-Cities Academic Building groundbreaking, advancement and community engagement, and upcoming campus events.

## II. CONSENT AGENDA.

Chair Blankenship reported there were 4 items on the Consent Agenda.

- A) Approval of Minutes – November 15, 2019, Board of Regent Meeting
- B) Approval of Minutes – January 24, 2020, Board of Regents Meeting
- C) Discontinuation of the Master of Arts in Hispanic Studies
- D) Discontinuation of the Master of Nursing Plan (Family Nurse Practitioner and Psychiatric Mental Health Nurse Practitioner)

Chair Blankenship asked if any Regent wished to remove an item on the Consent Agenda to be considered separately. Hearing no requests, it was moved and seconded that the Consent Agenda be approved. Carried.

**III. REPORTS FROM SHARED GOVERNANCE GROUPS.** Representatives from the following University groups—Foundation Board of Directors, Faculty Senate, Associated Students of Washington State University Tri-Cities, and the Graduate and Professional Student Association—reviewed their reports as submitted. Administrative Professional Association Committee and the Alumni Association submitted written reports but did not present in person. (*Exhibit A*)

**IV. EXECUTIVE AND GOVERNANCE COMMITTEE REPORT.** Chair Blankenship reported the Executive and Governance Committee met as a committee of the whole on March 12. He said the Committee would be advancing nominations for Chair and Vice Chair at the upcoming May 7-8, 2020, Board of Regents meeting. Chair Blankenship further reported the Executive and Governance committee reviewed a presentation on one Future Action Item, a proposed Bylaws modification to formalize the selection process for the Faculty Representative on the Board. Lastly, Chair Blankenship reported the committee reviewed and discussed a presentation on the WSU System-Wide Strategic Plan by Chief of Staff Christine Hoyt and Vice Provost for System Innovation and Policy Craig Parks.

**V. STUDENT AFFAIRS AND STUDENT LIFE COMMITTEE REPORT.** Regent Schauer reported the Student Affairs and Student Life Committee reviewed two presentations. She said the committee heard an update on Athletics Strategic Planning - Student Initiatives presented by Associate Athletic Director Brian Blair and a presentation on Holistic Well-Being: Student Health and Wellness Across #OneWSU presented by Vice President for Student Affairs Mary Jo Gonzales and Associate Vice President for Student Engagement Ellen Taylor.

**VI. RESEARCH AND ACADEMIC AFFAIRS COMMITTEE REPORT.** Regent Sims Reported the Research and Academic Affairs Committee heard presentations on two Future Action items: Discontinuation of the Master of Arts in Hispanic Studies and the Discontinuation of the Master of Nursing Plan (Family Nurse Practitioner and Psychiatric Mental Health Nurse Practitioner) both presented by Interim Executive Vice President and Provost Bryan Slinker. After committee discussion, it was decided to place both Future Action Items on the consent agenda. Regent Sims further reported the Committee reviewed the following Information Items: Faculty Manual Change – Reconciliation to Ensure Alignment with the Tracks and Appointment Initiative approved under delegated authority and a presentation, Genetics and Epigenetics, Connecting Organisms and Their Environments presented by Associate Professor in the School of Biological Sciences Joanna L. Kelley. Lastly, Regent Sims said the Committee reviewed a presentation on one Action Item and submitted the following for the Board’s consideration.

**Establish the School of Information (iSchool)**

It was moved and seconded that the Board of Regents establish the School of Information as proposed. Carried. (*Exhibit B*)

**VII. INSTITUTIONAL INFRASTRUCTURE COMMITTEE REPORT.** Regent Powell reported the Institutional Infrastructure Committee reviewed and discussed a Real Estate Update presentation

by Vice President Stacy Pearson and Executive Director for Real Estate Services Ryan Goodell, and one Future Action Item – Wilmer Davis Renovation Design and Preconstruction.

**VIII. FINANCE AND COMPLIANCE COMMITTEE REPORT.** Regent Dickinson reported the Finance and Compliance Committee was provided an Internal Audit Update by Chief Audit Executive Heather Lopez. She further reported Vice President for Business and Administration Stacy Pearson and Associate Vice President for Finance Matt Skinner reviewed with the committee the FY2019 WSU Comprehensive Annual Financial Report and annual Debt Report. Regent Dickinson reported the WSU Comprehensive Annual Financial Report received a clean unmodified opinion from the State of Washington Auditor's Office and applauded Vice President Pearson and her team for their outstanding efforts.

It was further reported the committee heard presentations on the following Future Action Items: Fiscal Year 2021-2023 Biennial Operating Budget Request, Fiscal Year 2021-2023 Biennial Capital Budget Request, Academic Year 2020-2021 Tuition Rates, Services and Activities Fee Rates for Academic Year 2020-2021, WSU Tri-Cities, Safety and Transportation Fee Increase, WSU Pullman, Student Health Fee Increase, WSU Undergraduate Application Fee Increase, Services and Activities Fees Committee Allocations for Summer 2020 and Academic Year 2020-2021, WSU Pullman, Undergraduate Technology Fee Committee Allocations for Fiscal Year 2020, WSU Vancouver, Undergraduate Technology Fee Committee Allocations for Fiscal Year 2020 and WSU Pullman, and Proposed Changes to Parking System Rates and Fines. Regent Dickinson reported the committee reviewed four Action Item presentations and submitted the following for Board consideration:

**FY2021 Housing and Dining Rates**

It was moved and seconded that the Board of Regents approve the Fiscal Year 2021 Housing and Dining Rates as proposed. Carried. *(Exhibit C)*

**FY2020 Athletics Budget Update and Approval of Expenditures**

It was noted for the record that it was decided that this item will be presented as an Action Item rather than a Future Action Item, in accordance with Board of Regents Bylaw II.12.B.

It was moved and seconded that the Board of Regents approve Athletics expenditure transfers related to the 2020 football coach transition in accordance with SSB6493 as proposed. Carried. *(Exhibit D)*

**WSU College of Nursing, New Lease Agreement with Pacific Northwest University (PNWU) in Yakima, WA**

It was noted for the record that it was decided that this item will be presented as an Action Item rather than a Future Action Item, in accordance with Board of Regents Bylaw II.12.B.

It was moved and seconded that the Board of Regents adopt Resolution #20313-622 and authorize a ten (10) year Office/Classroom Lease on the PNWU campus in Yakima, WA and delegate authority to the President or his designee to enter into any and all documents necessary to complete the execution of said Lease as proposed. Carried. *(Exhibit E)*

**Proposed Changes to the President's Delegations of Authority**

It was moved and seconded that the Board of Regents adopt Resolution #200313-624 and approve the changes to the President's delegated authority as proposed. Carried. *(Exhibit F)*

**IX. STRATEGIC AND OPERATIONAL EXCELLENCE COMMITTEE REPORT.** Regent Redman reported the Strategic and Operational Excellence Committee reviewed presentations on two Information Items: Modernization Initiative Update, presented by Associate Vice President for Finance Matt Skinner and Executive Policy 38 Revisions presented by Vice President for Research Chris Keane. She further reported the Committee reviewed one Future Action Item – WSU System-Wide Strategic Plan presented by Chief of Staff Christine Hoyt and President Schulz and three Action Items. Regent Redman submitted the following for Board consideration:

**Proposed Amendments to WAC 504-26-110: Standards of Conduct for Students – Composition of Conduct Board**

It was moved and seconded that the Board of Regents approve the proposed amendments to WAC 504-26-110: Standards of Conduct for Students – Composition of Conduct Board as proposed. Carried. *(Exhibit G)*

**Proposed Amendments to WAC 504-26-213: Standards of Conduct for Students – Firearms and Dangerous Weapons**

It was moved and seconded that the Board of Regents approve the proposed amendments to WAC 504-26-213: Standards of Conduct for Students – Firearms and Dangerous Weapons as proposed. Carried. *(Exhibit H)*

**Proposed Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Plan**

It was noted for the record that it was decided that this item will be presented as an Action Item rather than a Future Action Item, in accordance with Board of Regents Bylaw II.12.B.

It was moved and seconded that the Board of Regents approve the proposed changes to the Washington State University Retirement Plan and the Washington State University Voluntary Investment Program and to approve the resolution delegating authority to the President to execute the proposed changes, contingent upon the satisfactory outcome of an additional review by outside tax counsel, HRS Benefits Services, and WSU's Department of Finance and Administration, specifically focusing on whether any of the changes could present potential financial consequences or liability to WSU. The results of the review will be presented to the Regents at the next regularly scheduled meeting as an information item as proposed. Carried. *(Exhibit I)*

**X. OTHER BUSINESS.** Chair Blankenship reported that the Board meet in Executive Session to discuss the performance of a public employee. He further reported the Board would not be taking any action as a result of the Executive Session.

**XI. PUBLIC COMMENT PERIOD.** No Public Comment.

**XII. ADJOURNMENT.** The meeting adjourned at 12:12 p.m.

Approved by the Board of Regents at its meeting held May 8, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents

WASHINGTON STATE UNIVERSITY  FOUNDATION

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Foundation Regents Report

SUBMITTED BY: Lisa Calvert, Vice President for Advancement  
CEO, Washington State University Foundation

The Washington State University Foundation is pleased to report the following:

- The WSU Foundation’s ultimate goal is to grow a sustainable pipeline of philanthropic investment in WSU’s academic, research, and service initiatives through which lives, livelihoods, and communities are transformed. Alignment to best-in-industry systems, staffing, and resources continues to be a priority. During the WSU Foundation Directors Retreat last month, the Directors engaged in strategic planning to build and scale advancement to maximize philanthropic growth, optimize volunteer engagement, and ensure optimal fiduciary oversight.
- Donors give in response to a dynamic vision and bold, fundable ideas—the bolder the better. We are in robust conversations with each campus, college, and unit area about developing their philanthropic opportunities, and honing the visionary bold, fundable ideas that will collectively define the philanthropic agenda and messaging for the campaign.
- The WSU Foundation has identified nearly 18,000 potential donors who are currently unassigned to a development professional. These individuals are donors and have wealth capacity. This indicates tremendous opportunity for WSU and for those who are looking to make a difference during the next campaign. The Foundation is in the process of optimizing the portfolios for WSU’s development officers to ensure that WSU is able to engage these individuals in philanthropic activity that will make a lasting impact for WSU and those it serves.
- As of February 29, 2020, total philanthropic activity is trending 5.1% higher in FY2020 over the previous fiscal year, with more than \$80.6 million in total commitments received. Outright gifts and pledges are trending 19% higher in FY2020, which is an indication that WSU’s core philanthropic activity—cash in the door—is strong and growing. As a reminder, development professionals are being trained to shift the gift mix to more cash.

**FY2020 Year-to-Date Philanthropic Activity Report (as of Feb. 29, 2020)**

	7/1/2019 through 2/29/2020	7/1/2018 through 2/29/2019	% Change
Outright Gifts & New Pledges			
Cash	\$28,709,323	\$27,040,431	6.17%
Securities	\$4,807,808	\$1,368,079	251.43%
Real Estate	\$1,677,100	\$0	100.00%
Gifts in Kind	\$365,784	\$502,059	-27.14%
Pledges - New	\$7,649,931	\$7,380,727	3.65%
Total Outright Gifts & New Pledges	<b>\$43,209,946</b>	<b>\$36,291,295</b>	<b>19.06%</b>
Planned Gifts			
Irrevocable	\$239,000	\$1,385,817	-82.75%
Revocable	\$20,520,174	\$8,891,830	130.78%
Total Planned Gifts	<b>\$20,759,174</b>	<b>\$10,277,647</b>	<b>101.98%</b>
Other Contributions	<b>\$1,000,000</b>	<b>\$5,816,860</b>	<b>-82.81%</b>
Private Grants	<b>\$15,641,550</b>	<b>\$24,311,153</b>	<b>-35.66%</b>
<b>Total Philanthropic Activity Grand Total:</b>	<b>\$80,610,670</b>	<b>\$76,696,956</b>	<b>5.10%</b>

March 13, 2020

TO: All Members of the Board of Regents  
SUBJECT: Faculty Senate Report  
SUBMITTED BY: Greg Crouch, Chair

**Update on 2020/2021 Faculty Senate Leadership.** Two faculty members are running unopposed.

- Chair-Elect – Doug Call, Regents Professor of Molecular Epidemiology
- Executive Secretary – Matt Hudelson, Associate Professor of Mathematics and Statistics

Voting has started and the election will be certified on March 26.

**Update on the Faculty Manual Project.** Faculty Affairs Committee (led by Professor Steve Hines) and Laura Griner Hill (Vice Provost for Faculty Development and Affairs) have continued to update and refine language in the Faculty Manual. One such change refines language around faculty tracks and appointments. These language changes were the result of many meetings, surveys, and individual discussion. Additional Faculty Manual updates include:

- Stoppage of tenure clock for family leave
- Emeritus faculty appointments
- Royalties and Trademarks

These changes follow a major reorganization of the manual and will complete the committee work for this year. Several future updates are cycling through the Ombudsman and AG for consideration in the 2020/2021 academic year. In summer 2020, Senate Executive Committee will focus on drafting updates to the senate constitution and bylaws as well as continuing to update the Educational Policy and Procedure Manual (EPPM). Specifically, the EPPM will be updated to in order to comply with state, federal, and accreditation requirements.

**Update on the Campus and Community Mental Health Task Force.** Task Force campus members include representatives from Faculty Senate, Cougar Health Services and Student Affairs administration. Community members include representatives from Schweitzer Engineering Laboratories, Pullman Regional Hospital, Pullman City Council, and Palouse Psychiatry and Behavioral Health. The task force is finalizing its report and will focus on two recommendations:

- 1) Retain and recruit Counseling and Psychological Services (CAPS) psychologist providers. CAPS has struggled to meet student demand because it has been unable to fill 3-4 vacant psychologist positions for the last few years. WSU Human Resource Services is conducting a salary analysis. By fully staffing CAPS to meet student needs, the task force anticipates increased community resource capacity as these currently carry a large student clientele.
- 2) Develop a prevention model that collects all current WSU interventions in and out of the classroom (stress management, coping strategies, etc.). These measures will be connected to a student's four-year path at developmentally appropriate levels. This model is projected to be in place by fall 2021 and available system wide.

**Update on Faculty Participation in Strategic Planning.** Faculty Senate has collected responses to the draft strategic plan and is working with the president and provost to produce a second draft of the system-level plan. A summary analysis will be available on the Faculty Senate website by March 26, 2020.

#### Other Updates

- Everett campus will have Faculty Senate representation in fall 2020.
- Spokane campus is developing a campus faculty council similar in structure to the Resident Faculty Organization (Tri-Cities) and Council of Faculty Representatives (Vancouver). This organization will elect representatives to the Faculty Senate and Faculty Senate Steering Committee.

Date: March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: GPSA Report

SUBMITTED BY: Jennifer E. Johnson, GPSA President

On behalf of GPSA, I would like to thank the Board of Regents for your continued support of graduate and professional students. It is with great pleasure that I report the following:

**PDI Update:** The Professional Development Initiative (PDI) continues to be a successful program as it progresses through its fourth official year. This incredible partnership between GPSA, the Graduate School, and the President's Office, truly provides the opportunity for graduate and professional students; postdoctoral students, faculty, and staff to develop both personal and professional skills in order to become a better person, student, researcher, instructor, and/or administrator. This year, PDI will facilitate a total of 52 events, four of which were held on other campuses, and expects to serve over 1,200 individuals.

**Dissertation Grants:** Following the success of our travel grants, GPSA created a new application for students seeking funding, no more than \$500, to support the completion of dissertation projects. The funds can be used to buy equipment, compensate participants in studies, travel for data collection purposes, or in any other aspect that is necessary for the research. Although this is a new source of funding from GPSA, we have already received 17 applications since the launch this semester. We have granted funds to 11 graduate students totaling nearly \$5000.

**GPSA Chat & Chew with President Schulz:** In efforts to better connect graduate and professional students to GPSA and WSU administration, GPSA is hosting the second annual "Chat & Chew" event. The event is designed to be a casual and low-risk way for graduate and professional students to interact with WSU administrators. GPSA wants to ensure that our constituents' voices are amplified, and we felt that this would be a great way to do so. As this event carries forward with future GPSA leaders, we hope to invite additional WSU administrators to get various perspectives about campus life.

**Graduate Stipend Level:** A major concern for graduate students at WSU is the current stipend level that they receive. As the standard of living continues to rise in Pullman, graduate students are struggling to provide for themselves and sometimes their families. GPSA has had broad and initial discussions with WSU Administration about the current stipend levels and its effects on student well-being and degree completion rates. As it has been confirmed that 12% of the total stipend for a graduate student is reallocated towards their student fees, it is our hope that GPSA can work with WSU administrators to implement a higher minimum-stipend level across the WSU system.

**Graduate Writing Center (GWC):** This year, the GPSA increased our support of the GWC by relocating the center, adding consultants, and improving the work space. The GWC works with students to help them learn to revise and edit their own writing. The center averaged 350 appointments the past two years, serving approximately 200 graduate and professional students, not including walk-ins. We are hoping that by tripling the availability of consultants for students to meet with, we will be able to serve more students. We are already seeing a 20% increase in students served since opening the new center in January.

**Graduate Study Lounge:** The Graduate Study Lounge located in the library is one of the only places on campus devoted solely to graduate and professional students. We have improved the space by adding new qualitative and quantitative software to the provided computers. Last year alone, we had nearly 500 students come visit the study center over 6,500 times.

**Date: March 13, 2020**

**TO ALL MEMBERS OF THE BOARD OF REGENTS**

**SUBJECT: ASWSUTC's Report**

**SUBMITTED BY: Zackary Harper, ASWSUTC President**

The Associated Students of WSU Tri-Cities (ASWSUTC) have had an awesome year thus far! I'm happy to go over what we have accomplished as well as what we have in store for the rest of the academic year.

Advocacy Projects:

This year, Savanna and I decided to take a different approach to working on advocacy projects. To begin, the entire ASWSUTC Team met over the summer to brainstorm what projects to work on. The team then chose which projects they were passionate about, and then they had to convince their team members that this project was worth working on. Upon submitting their projects to the team, we all voted on which projects would be priority, and then we met with the Chancellor's Cabinet to discuss these projects. We are extremely lucky to have Dr. Sandra Haynes, as she helped us create Task Forces that included students, staff, and faculty to research their topic and provide recommendations back to Cabinet. The biggest change we made this year is that we approached these improvements as campus-wide improvements, as all members of the campus community would benefit from our projects. We have met with Chancellor Haynes about the outcomes of the task forces, and we're ready to present to Cabinet soon.

These projects include: Student Advising Improvements, Mental Health Resources, Wellness Rooms, Class Scheduling Conflicts, Supporting Student Parents, Campus Security Visibility, LGBTQIA+ Education, Campus-Wide Sustainability, Campus Pride, Food Equity Program, Veteran's Financial Aid, Campus Cleanliness, College of Education Policies, CAHNRS Website, Improved Lab Equipment, and Extended Library Hours.

Coug Day at the Capitol:

Our ASWSUTC Director of Legislative Affairs, Remy Plate, was the chair of the Student Government Council Legislative Committee. This committee is primarily charged with planning the WSU System-wide event Coug Day at the Capitol. The impressive work of Remy, Andrea and Davina from Vancouver, Morgan and Sheridan from Global, and Brandy from Health Sciences shows how multi-system collaboration can be extremely beneficial to WSU students.

ASWSUTC Spring Executive Election:

We held our Spring 2020 Executive Election this semester to accomplish two things: (1) elect the 2020-2021 ASWSUTC President and Vice President, and (2) vote on the Safety and Transportation Fee Referendum. We had record turnout (over 19%) for both ballots in this election! Robin Kovis and Stephanie Warner won the Executive Ballot, and the Safety and Transportation Fee passed with an 80% approval rating. Kudos to our team for getting out the vote!

March 13, 2020

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Administrative Professional Advisory Council Report

SUBMITTED BY: Stephanie Rink, Chair

The Administrative Professional Advisory Council is pleased to report the following:

1. APAC will hold elections this spring in the March and April time frame for new council members and a new executive team.
2. APAC council members will submit a summary of collected thoughts surrounding the draft strategic plan; what APAC thinks of the draft plan and how this plan will impact staff – positively and negatively.
3. Monday, February 17<sup>th</sup> APAC hosted a seminar on “Emotions and Politics” during Staff Appreciation Week. Due to the holiday, the seminar didn’t draw a large audience as we hoped. However, the discussions were very engaging and interesting. Systemwide, we had 55 people attend.
4. Staff Appreciation Week was the week of February 17<sup>th</sup> which included seminars on the following topics: Emotions & Politics, Appreciation in the Flow of Work, Investing Beyond Your Retirement Account, Holding Difficult Conversations, and Smart Health. The seminars have been well attended.
5. APAC will hold a spring seminar in coordination with the Carson College of Business. Jan Hargrave, a leading expert in behavioral authority and body language will present “Actions Speak Louder Than Words: Understanding Nonverbal Communication”.
6. For the first time, APAC has a council member representing our extension staff. We are very proud of the strides we have made representing all sites where there may not be an actual campus and extension staff are attending our events via Zoom. We are proud of this partnership and hope it can continue to grow.
7. APAC continues to have a voice on several university committees and councils including the Fiscal Health Advisory Committee, the Strategic Planning and Institutional Effectiveness Council, and The Commission on the Status of Women, among others.
8. APAC continues monthly council meetings where all APs are encouraged to attend, and VPs and upper administration are asked to present on initiatives and updates throughout the year. APAC Executive Leadership will continue to meet with President Schulz monthly.

March 13, 2020

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Alumni Association Progress Report

SUBMITTED BY: Jane Yung, WSUAA President 2019-20  
Tim Pavish, WSUAA Executive Director

### **WSUAA Impact Study Next Steps**

Following the presentation of the study's results to President Schulz by Lisa Calvert and Bob Burdenski, the WSUAA was cleared to implement the study's recommended actions. The study helped the WSUAA to assess strengths to be enhanced, weaknesses to be improved, and new opportunities for meaningful programming and engagement. Strategic workgroups with members drawn from the WSU Foundation, WSUAA, the WSU system community, and alumni were formed to begin implementing the recommendations. More news on our progress to come.

### **Events & Activities Review**

For the WSUAA, 2019 was a year filled with success, excitement, and achievement. During the 2018-19 academic year, the highest-recorded total of 39,674 alumni and friends of WSU gathered at 966 WSUAA events. Kudos to the WSUAA staff and the Association's army of volunteers across the country.

All six of the international gold-medal winning *Feast* dinners sold out in record time last fall. (The 12<sup>th</sup> straight year *The Feast* has sold out.) These exquisite four-course dinners feature WSU-sourced fare prepared by talented HBM students and exceptional wines from a Wine-By-Cougars winery. *The Feast* is the result of a partnership among the WSUAA, its Wine-By-Cougars Wine Club, the Carson College of Business and its School of Hospitality Business Management, the Jordan Schnitzer Museum of Art/WSU, the Cougar Marching Band, and the School of Music.

The WSUAA Fall Leadership Conference took place over Homecoming weekend, October 17-19. In addition to voting in new WSUAA vice president Shelly Spangler, the Leadership Conference included special guest speakers Regent Scott Carson, President Kirk Schulz, and WSUV Chancellor Mel Netzhammer. Homecoming weekend also featured the WSUAA Student Alumni Ambassadors' annual Bonfire and Pep Rally and the exclusive Platinum Life and Life Member Reception. The reception attracted over 400 Platinum Life and Life Members to the Lewis Alumni Centre.

The WSUAA conducted five PreGame events last fall in conjunction with WSU Athletics. The events took place before the football games with Houston, Utah, Arizona State, Cal, and the Cheez-It Bowl in Phoenix. For the first time ever, the WSUAA executed three PreGames that averaged over 1,500 attendees each, including 2,000 fans at the Cheez-It Bowl event.

### **Scholarships**

The WSUAA scholarship application process closed on January 31 for students in the upcoming 2020-21 academic year. Scholarships are powered by membership, generous donations, and the Cougar license-plate program. In 2019, \$656,450 in scholarships were awarded across WSU through the license-plate program alone! The crimson WSU plate continues to be the #1 specialty plate in the state of Washington, with 23,072 currently on the road.

### **Cultivating Cougar Careers**

To engage and assist recent graduates as they enter (or re-enter) the job market after college, the WSUAA's expanded career support services specifically aim at assisting Cougs post-graduation. *Better Budgeting for Cougs* events – powered by a partnership with BECU – include programming on managing a budget, paying off student loans, tips for purchasing a house, and other pertinent topics. The WSUAA's *Cougar Career Academy*, a series of online workshops, is designed to provide graduates with some of the necessary tools for career success by connecting them with career-development professionals and field experts. Finally, the WSUAA's *Women's Leadership Summit*, in Seattle on May 6, will focus on sharing the life and career experiences of guest speakers to help WSU alumnae achieve success in their chosen professions. First Lady Dr. Noel Schulz will be a keynote speaker, joined by WSUAA President Jane Yung and other highly talented alumnae to guide Cougs on their path to career success.

### **The WSUAA – Investing in the Future**

## **ACTION ITEM #1**

### **Establish the School of Information (iSchool) (Bryan K. Slinker)**

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Establishment of the School of Information

**PROPOSED:** That the Board of Regents establish the School of Information

**SUBMITTED BY:** Bryan K. Slinker, Interim Provost and Executive Vice President

**SUPPORTING  
INFORMATION:**

The College of Arts and Sciences proposes the establishment of the School of Information (iSchool). The iSchool aims to unite integrative research, teaching and service oriented programs, personnel and pedagogical approaches and to educate the next generation of data-savvy, culturally aware, creative thinkers. The development of such a school would mirror similar recent developments at universities including, among the most prominent, University of California - Berkeley, MIT, and Cornell. What these new interdisciplinary programs have in common is their commitment to the cross-pollination of ideas, diverse faculty, and interdisciplinary knowledge to fuel innovative and sustainable research driven by community engagement and industry need.

Inspired by these developing programs and grounded in WSU's rich tradition of research driven by and through outreach and engagement, the iSchool will establish a collision-rich, silo-free educational and research environment that encourages deep thought and interaction between faculty, students, industry leaders, and community groups. WSU's ongoing commitment to our land-grant tradition and the university's long-term engagement with state and regional industries, provides the necessary foundation to connect the skills that today's industry leaders are looking for with the ideals of providing an inclusive, diverse and equitable educational structure that fosters creativity, collaboration, and curiosity to solve local problems with global solutions.

In addition to offering existing degree programs in Data Analytics (DA) and Digital Technology and Culture (DTC), the iSchool will be

positioned to develop new interdisciplinary degree programs as well as minors and certificates that include an emphasis on data visualization, statistical learning, artificial intelligence, user experience, creative coding, and integrative design. Growing organically from the core offerings in DA and DTC, the iSchool will build a curriculum that values integrative approaches, collaborative frameworks, and practical skill building through innovative, critical, and creative outputs. Ultimately, the iSchool will become a hub for both affiliated faculty and students across degree programs to unite through research agendas, open lab settings, and classrooms all geared to generate new knowledge and durable learning with wide-reaching benefits.

The complete proposal for the School of Information is attached. This proposal was reviewed carefully and has support from the Provost's Office. This proposal was recommended by the Faculty Senate's Steering Committee and Faculty Affairs Committee on September 19, 2019.

# ACTION ITEM #1

## FY2021 Housing and Dining Rates (Mary Jo Gonzales/ Terry Boston)

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: FY2021 Housing and Dining Rates

PROPOSED: That the Board of Regents approve an increase in the Housing and Dining Rates not to exceed the following percentage from the FY2020 Rates.

Residence Halls:

2.5% (\$285) of the total weighted average for room and board (weighted average of a double room and level 2 dining plan).

Apartments:

2.0% of the total weighted average for Single Student Apartment (SSA) rates.

1.0% of the total weighted average for Family apartment rates.

SUBMITTED BY: Terry Boston, Acting Vice President for Student Affairs

SUPPORTING  
INFORMATION:

The Housing and Dining System is a self-sustaining auxiliary unit that requires establishing room and board rates that are sufficient to meet bond covenants and support the University's strategic goals.

The Housing and Dining Advisory Board is comprised of student representatives from the Resident Hall Association (RHA), Associated Students of Washington State University (ASWSU), Graduate and Professional Students Association (GPSA), as well as representatives from the Budget Office, Finance & Administration, and Student Affairs.

The Advisory Board met throughout the fall and part of spring semester to review current operations and discuss operational changes anticipated for next year. The Advisory Board toured various facilities within the system and were

provided notebooks containing detailed budget information, organizational charts and system goals for the long-range housing plans. The rate increase recommendations are based on student input, economic projections and system demands (see supporting information). The proposed increases received unanimous support from the Advisory Board. Pending Regent's approval, the new rates will be effective for fall semester 2020.

The Advisory Board is very conscious of the impact that cost increases have on college affordability for students. Inquiries with other Washington higher education institutions indicate that plans to increase housing rates for fall 2020 range between 4-6%.

The Advisory Board is comprised of seven student representatives\* and six administrators as outlined below.

<b>Representative:</b>	<b>Area:</b>
Alyssa Cove*	RHA Representative
Brad Doering*	Apartment Coordinator
Michael Faust *	GPSA Representative
Kevin Kissinger*	Resident Technology Advisor
Jhordin Prescott*	ASWSU Vice President
Noah Sanchez*	Resident Advisor
Patrick Summit*	Assistant Hall Director
Cyndi Arbour	Facilities Services
Terry Boston	Student Affairs
Sean Greene	Housing & Dining Services
Edwin Hamada	Residence Life & Housing
Gail Nash	Finance/Budget Manager
Kelly Westhoff	Budget Director

**WSU Housing and Dining System**  
Resident Hall, Dining and Apartment Rate Proposal  
2020-2021 Academic Year

**Occupancy trends, Fall Census Day (10th day after classes start)**

	Residence Halls	Single Student Apartments		Family Apartments	
2016	5,191	829*	97%	867	97%
2017	5,372	891*	95%	865	97%
2018	5,818	914	97%	850	94%
2019	5,726	908	97%	824	91%
2020 (projected)	5,744	908	97%	829	92%
*Chief Joseph Units varied due to construction and renovation					

**Revenue Assumptions**

4,200 targeted freshmen class

**Expense Assumptions**

- 2.2% cost of living increase for employees per legislature approval
- 7.5% increase for temporary and student employees due to minimum wage increase
- 2.0% increase in food costs
- 3.4% net increase in employee benefits.
- 5.0% increase in utility costs
- 2.5% increase in perquisites
- 2.0% increase inflation on supplies and services

Target \$2.0 million for major repairs and equipment

**Recommended Increases**

**Apartments**

Single Student apartments	increase 2.0%
Family Housing	increase 1.0%

**Residence Halls Room and Board**

	2019-20	2020-21	Increase	% Increase
Weighted Average Residence Hall Double Room	\$7,019	\$7,254	\$235	3.3%
Dining Plan, Level 2	4,300	4,350	50	1.2%
<b>Total*</b>	<b>\$11,319</b>	<b>\$11,604</b>	<b>\$285</b>	<b>2.5%</b>
*Total is the sum of weighted average double room and level 2 dining plan.				

**ACTION ITEM #2**  
FY2020 Athletics Budget Update  
Expenditure Transfer Approval  
(Stacy Pearson/Pat Chun)

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: FY2020 Athletic Budget Update and Expenditure Transfer Approval

PROPOSED: That the Washington State University Board of Regents approve Athletics expenditure transfers related to the 2020 football coach transition in accordance with SSB6493, even though net impact to the FY2020 budget of the additional revenues and expenditures is zero.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

SUPPORTING INFORMATION: Washington State University has implemented a fiscal recovery plan for WSU Athletics to achieve an operating breakeven position by FY2023. This plan also ensures that WSU is fully compliant with [RCW 28B.15.120](#) (Board of trustees or regents—annual budget requirements), which requires certain actions of state college and university boards related to the budgets of intercollegiate athletics programs.

The statute requires that the WSU Board of Regents specifically approve, in an open public meeting, any expenditure over two hundred fifty thousand dollars that was not included in the approved annual budget, in an open public meeting. While this legislation requires that these expenditures be approved in advance, it also allows for the approval to occur at the next regularly scheduled board meeting after the expenditure if the expenditure is: (a) Time sensitive and the net fiscal impact of the expenditure results in a direct revenue gain to the program.

In January 2020, WSU hired Nick Rolovich as the head coach of the WSU football program. As is standard practice in this type of transition, WSU committed to cover the buyout of Coach Rolovich's contract with the University of Hawaii. This buyout exceeded the \$250,000 threshold outlined in SSB6493 which requires BOR approval.

WSU also incurred additional costs to hire the new coach and for

the transition of the football staffs. However, none of the additional costs individually exceeded the \$250,000 approval limit. Further, the full cost of the transition, approximately \$1.6 million, is covered in the budget as outlined below.

The additional costs include; (a) paying the contractual obligations for the remaining staff members, (b) relocation expenses for the new staff coming to Pullman, (c) search expenses, (d) office and equipment changes, (e) increases in recruiting and (f) other normal transition expenses. These costs are covered by the \$2.25 million buyout, which is due to WSU per the terms in Coach Leach's contract. In addition, the impact of the lower bowl payout is also included in this update and covered by the contract buyout revenues.

The net impact to the FY2020 budget of the additional revenues and expenditures is zero and is reflected in Attachment B.

ATTACHMENTS: Attachment A: Athletics Five Year Annual Operating Budgets Approved by the WSU Regents FY2020-2024

Attachment B: January 2020 Update to the FY2020 Approved Operating Budget with Revenue and Expenditure Impacts for the Football Coaching Transition.

Washington State University Athletics Budget - Projected					
	Projected				
	FY2020	FY2021	FY2022	FY2023	FY2024
<b>REVENUES:</b>					
01 - Ticket Sales	8.6	10.7	11.0	12.0	11.1
02 - Direct State/Gov Support	-	-	-	-	-
03 - Student Fees	1.5	1.4	1.4	1.4	1.3
04 - Direct Inst. Support	3.7	3.8	3.9	4.0	4.1
05 - Less Xfer to Inst.	-	-	-	-	-
06 - Indirect Inst. Support	0.4	0.4	0.4	0.4	0.5
06A - Debt Service, Lease, Rentals	-	-	-	-	-
07 - Guarantee Revenue	0.1	0.2	-	0.3	0.3
08 - Contributions	11.1	11.7	11.5	12.0	11.6
09 - In-Kind	1.6	1.6	1.6	1.6	1.6
10 - 3rd Party Compensation	-	-	-	-	-
11 - Media Rights	21.9	23.0	24.2	25.5	26.7
12 - NCAA Distribution	1.5	1.6	1.6	1.7	1.7
13 - Conference Distribution	12.1	12.1	12.8	13.0	13.3
14 - Program/Concessions etc.	1.1	1.5	1.6	1.7	1.8
15 - Royalties/Advert. etc.	3.2	4.5	5.0	5.2	5.3
16 - Sport Camp Revenue	0.3	0.3	0.3	0.3	0.3
17 - Endowments	0.6	0.7	0.7	0.7	0.7
18 - Other Revenue	2.0	2.4	2.5	2.5	2.5
19 - Bowl Revenue	2.6	2.7	2.8	2.9	3.0
<b>Total Revenue</b>	<b>72.5</b>	<b>78.9</b>	<b>81.4</b>	<b>85.3</b>	<b>85.9</b>
<b>EXPENSES:</b>					
20 - Athletic Aid	11.0	11.7	12.0	12.2	12.5
21 - Guarantee Expense	1.8	1.3	1.8	1.6	1.5
22 - Coaches Comp: WSU	14.3	15.4	14.8	14.9	14.9
23 - Coaches Comp: 3rd Party	-	-	-	-	-
24 - Admin Comp: WSU	15.1	15.3	15.5	15.8	16.0
25 - Admin Comp: 3rd Party	-	-	-	-	-
26 - Severance	2.0	1.7	1.3	-	-
27 - Recruiting	1.5	1.6	1.6	1.7	1.7
28 - Team Travel	4.7	4.7	4.8	5.0	5.2
29 - Equipment	2.2	2.3	2.3	2.5	2.7
30 - Game Expenses	2.5	2.7	2.7	2.8	2.6
31 - Fund Raising/Marketing	2.4	2.5	2.6	2.7	2.7
32 - Sport Camp Expense	0.3	0.3	0.3	0.3	-
33 - Spirit Groups	0.2	0.2	0.2	0.2	0.2
34 - Facilities: Debt/Lease/Rental	9.6	10.0	10.0	10.0	10.0
35 - Direct Admin Expense	2.0	2.1	2.1	2.2	2.2
36 - Indirect Inst. Support	0.4	0.4	0.4	0.4	-
37 - Medical/Insurance	0.9	0.9	0.9	1.0	1.0
38 - Dues & Memberships	2.4	2.5	2.6	2.7	2.8
39 - Student-Athlete meals	1.0	1.0	1.0	1.0	1.0
40 - Other Expense	4.7	4.6	4.7	4.8	4.9
41 - Bowl Expenses	2.1	2.2	2.3	2.4	2.5
41A - Coaches Bowl Bonuses	0.5	0.5	0.5	0.5	0.5
<b>Total Expenses</b>	<b>81.7</b>	<b>83.9</b>	<b>84.6</b>	<b>84.7</b>	<b>85.3</b>
<b>Net Income from Operations</b>	<b>(9.3)</b>	<b>(5.0)</b>	<b>(3.2)</b>	<b>0.5</b>	<b>0.5</b>
<b>56-Capitalized Expenses</b>	<b>6.7</b>	<b>0.3</b>	<b>0.0</b>	<b>-</b>	<b>-</b>
<b>Net Income after Capitalized Expenses</b>	<b>(16.0)</b>	<b>(5.3)</b>	<b>(3.2)</b>	<b>0.5</b>	<b>0.5</b>
<b>Accumulated Deficit</b>	<b>(92.8)</b>	<b>(98.1)</b>	<b>(101.3)</b>	<b>(100.8)</b>	<b>(100.28)</b>
<b>Accumulated Deficit</b>					

## Attachment B

### Washington State University Athletics Budget - FY2020 Budget Update

	FY2020	Jan Update	
<b>REVENUES:</b>			
01 - Ticket Sales	8.6	8.6	-
02 - Direct State/Gov Support	-	-	-
03 - Student Fees	1.5	1.5	-
04 - Direct Inst. Support	3.7	3.7	-
05 - Less Xfer to Inst.	-	-	-
06 - Indirect Inst. Support	0.4	0.4	-
06A - Debt Service, Lease, Rentals	-	-	-
07 - Guarantee Revenue	0.1	0.1	-
08 - Contributions	11.1	11.1	(0.0)
09 - In-Kind	1.6	1.6	-
10 - 3rd Party Compensation	-	-	-
11 - Media Rights	21.9	21.9	-
12 - NCAA Distribution	1.5	1.5	-
13 - Conference Distribution	12.1	12.2	0.1 Audit surplus from Pac-12
14 - Program/Concessions etc.	1.1	1.1	-
15 - Royalties/Advert. etc.	3.2	3.2	-
16 - Sport Camp Revenue	0.3	0.3	-
17 - Endowments	0.6	0.6	-
18 - Other Revenue	2.0	4.2	2.3 Leach buyout
19 - Bowl Revenue	2.6	1.4	(1.2) Lower Bowl payout
<b>Total Revenue</b>	<b>72.5</b>	<b>73.6</b>	<b>1.1</b>
<b>EXPENSES:</b>			
20 - Athletic Aid	11.0	11.0	-
21 - Guarantee Expense	1.8	1.9	0.0
22 - Coaches Comp: WSU	14.3	14.3	-

23 - Coaches Comp: 3rd Party	-	-	-	
24 - Admin Comp: WSU	15.1	15.1	0.0	
25 - Admin Comp: 3rd Party	-	-	-	
26 - Severence	2.0	3.1	1.1	Severence for FB staff not retained
27 - Recruiting	1.5	1.5	-	
28 - Team Travel	4.7	4.8	0.1	
29 - Equipment	2.2	2.2	-	
30 - Game Expenses	2.5	2.5	-	
31 - Fund Raising/Marketing	2.4	2.4	-	
32 - Sport Camp Expense	0.3	0.3	-	
33 - Spirit Groups	0.2	0.2	-	
34 - Facilities: Debt/Lease/Rental	9.6	9.6	-	
35 - Direct Admin Expense	2.0	2.0	-	
36 - Indirect Inst. Support	0.4	0.4	-	
37 - Medical/Insurance	0.9	0.9	-	
38 - Dues & Memberships	2.4	2.4	-	
39 - Student-Athlete meals	1.0	1.0	-	
40 - Other Expense	4.7	5.2	0.5	Coach transition - moving exp & transition cost
41 - Bowl Expenses	2.1	1.5	(0.6)	Savings on bowl expenses
41A - Coaches Bowl Bonuses	0.5	0.5	-	
<b>Total Expenses</b>	<b>81.7</b>	<b>82.9</b>	<b>1.1</b>	
<b>Net Income from Operations</b>	<b>(9.3)</b>	<b>(9.3)</b>	<b>0.0</b>	
<b>56-Capitalized Expenses</b>	<b>6.7</b>	<b>6.7</b>		
<b>Net Income after Capitalized Epenses</b>	<b>(16.0)</b>	<b>(16.0)</b>		
<b>Accumulated Deficit</b>	<b>(92.8)</b>	<b>(92.8)</b>		

Cheez-It Bowl summary: The Cheez-It bowl has a very low payout compared to other Pac-12 affiliated bowls. The pay out was \$1.2M less than the Alamo Bowl (WSU bowl from FY19). Bowl expenses were reduced by more than \$400,000 by minimizing travel costs and other efforts.

## **ACTION ITEM #3**

### **Pacific Northwest University of Health Sciences (PNWU) Lease for Nursing Program in Yakima (Stacy Pearson/Daryll DeWald)**

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** PNWU Lease for Nursing Program in Yakima

**PROPOSED:** That the Board of Regents authorize a ten (10) year Office/Classroom Lease on the PNWU campus in Yakima, WA, and delegate authority to the President or his designee to enter into any and all documents necessary to complete the execution of said Lease.

**SUBMITTED BY:** Stacy Pearson, Vice President for Finance and Administration

**SUPPORTING  
INFORMATION:**

The College of Nursing (CON) currently occupies approximately 13,200 gross sq. ft. of office space on the Yakima Valley Community College campus located at W Nob Hill Blvd. and S 16<sup>th</sup> Ave., Yakima, WA. The CON has an opportunity to relocate onto the Pacific Northwest University of Health Sciences (PNWU) campus (the same location as the WSU College of Pharmacy), which is becoming the Health Sciences hub of that region. This would provide significantly better space long-term for nursing's educational program in Yakima. The initial term of the lease, if approved, is ten (10) years. Final negotiations with PNWU are ongoing, but the estimated total amount of rent and payment for services for the ten-year term will be approximately \$6,500,000. The WSU Spokane Health Sciences Campus and the CON will adjust their annual operating budgets to cover this new annual cost. CON's plan to grow enrollments (See Attachment B) is intended to be one source of revenue for this purpose.

The new space on the PNWU campus consists of approximately 17,800 gross square feet and includes furniture, utilities, parking, and other services and amenities. Importantly, colocation with PNWU and the Nursing and Pharmacy programs allows for greater collaboration and interprofessional development. This environment

is fertile for expansion of the undergraduate (R.N., B.S.N and D.N.P. and professional Doctor of Nursing practice nursing degree programs; therefore, plans have been formulated and are in the process of being implemented. Expansion will provide greater impact and revenue for the WSU College of Nursing and WSU.

Yakima is an important site regionally for health sciences education and health care delivery, and the health sciences college faculty have many educational and research ties to collaborators in the region. WSU Tri-Cities and WSU Vancouver also have interest and engagement with WSU Yakima programs. This request is for the approval of a lease agreement between WSU Health Sciences and PNWU on behalf of the College of Nursing. Currently, the College of Pharmacy and Pharmaceutical Sciences has a five-year lease agreement with PNWU.

Additional key terms and dates for the new Lease with PNWU are outlined in the Memo from WSU Health Sciences to PNWU (Attachment A). The CON's 5-Year Strategic Plan for Growth is provided in Attachment B. Nursing expansion in Yakima and across the state will be facilitated and enhanced by having the CON located on the PNWU campus because of the improved quality of facilities and expanded opportunities for interprofessional education.

ATTACHMENTS: Attachment A – WSU Health Sciences Memo  
Attachment B – College of Nursing's 5-Year Strategic Plan for Growth

# BOARD OF REGENTS

Pacific Northwest University of Health Sciences (PNWU) Lease  
for Nursing Program in Yakima

## Resolution #200313-622

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 authorize a ten (10) year Office/Classroom Lease on the PNWU campus in Yakima, WA, and delegate authority to the President or his designee to enter into any and all documents necessary to complete the execution of said Lease.

Dated this 13th day of March, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents



Office of  
the Vice President/Chancellor

**MEMORANDUM**

**TO:** Michael Lawler, President, Pacific Northwest  
University of Health Sciences  
Ed Bilsky, Provost and Chief Academic Officer, Pacific Northwest  
University of Health Sciences

**FROM:** Daryll DeWald, Vice President & Chancellor Washington State University  
Health Sciences *Daryll P. DeWald*  
Stacy Pearson, Vice President for Finance & Administration,  
Washington State University *Stacy M. Pearson*

**DATE:** January 24, 2020

**SUBJECT:** WSU Nursing Relocation to PNWU Yakima Campus

This memorandum serves as official notice that WSU Health Sciences (WSU) plans to relocate its College of Nursing program located on the Yakima Valley College (YVC) campus to the Pacific Northwest University of Health Sciences (PNWU) campus.

The planned date to relocate WSU's nursing program to PNWU's campus is late Spring of 2020. To meet this timeline, WSU and PNWU will need to act diligently and in good faith to finalize a mutually acceptable written agreement by March 15, 2020. The agreement will need to include certain WSU standard contract terms and conditions for an arrangement of this size and complexity. The agreement must also comply with all WSU policies and applicable laws for public institutions of higher education.

As WSU is terminating its current lease with YVC and relocating its nursing program to PNWU's campus, the space WSU will be occupying on the PNWU's campus needs to be move-in ready. Important terms that will need to be incorporated into the lease agreement to ensure WSU can continue to offer educational and administrative services to its nursing students during this relocation include the following:

Intent to locate into approximately 10,694 Net Assigned Square Feet (NASF) in the Project NEXT Building

Planned date of relocation: Late Spring 2020

Planned initiation of lease agreement: July 1, 2020

Duration of the Lease will be 10 years

Approximate cost of the lease will be around \$600,000 per year, which will include space and utilities, furniture and certain services or amenities that are consistent with the draft Cooperative Agreement between WSU and PNWU. Other services not subject to the base fee may be negotiated by the parties such as those stated in the draft Cooperative Agreement between WSU and PNWU.

Finalizing the space arrangements will also require defining the simulation capabilities and spaces, classrooms, and office designation of designated (for WSU Nursing) and shared space (with PNWU and WSU Pharmacy) and who is responsible for completion and maintenance of the different facilities.

WSU also commits to work in good faith and develop secondary agreements, where appropriate, with PNWU to define costs and services for PNWU-occupied WSU Spokane-leased space, WSU IRB serving PNWU, WSU EHS serving PNWU, and WSU instructional collaboration.



Attachment B

# 5 Year Strategic Plan For Growth





# Nursing is Poised For Growth

## Strategies:

- Statewide Demand – Expand enrollments in all fields of nursing to address critical shortage of nurses in the state of Washington
- Offensive – Minimize impact of other programs from getting established/growing
- Defensive – Maintain control of programs

## Conclusion:

- Need to implement incentive for College of Nursing by remodeling the budget so that they receive net tuition and can make strategic investments to grow programs



# History of Nursing Net Tuition

Net Tuition by Campus	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Total
Pullman (from Spokane/Yakima) - Grad	627,413	707,653	804,876	815,557	922,285	3,877,783
Pullman (from Spokane/Yakima) - UG	4,838,879	4,482,973	4,092,430	4,261,097	4,406,239	22,081,618
Spokane/Yakima - UG - > EBB	84,000	43,867	39,067	48,400	-	215,333
Tri-Cities - Grad	57,872	119,654	222,134	234,720	190,689	825,068
Tri-Cities - UG	982,928	985,113	993,922	870,456	732,621	4,565,040
Vancouver - Grad	1,010,389	1,194,072	922,797	1,134,629	1,168,116	5,430,003
Vancouver - UG	566,312	567,290	662,611	682,591	756,754	3,235,557
<b>Total</b>	<b>8,167,793</b>	<b>8,100,621</b>	<b>7,737,837</b>	<b>8,047,450</b>	<b>8,176,703</b>	<b>40,230,403</b>

The College of Nursing has generated \$40M in net tuition system-wide over the past five years, \$26M to Pullman, \$5M to Tri-Cities, and \$9M to Vancouver

Current Tuition for:

Undergrad - \$10,290

Grad - \$17,816



# Forecasted RN-BSN Program Headcount by Location

RN-BSN	FY19	FY20	FY21	FY22	FY23	FY24
Puyallup						
Spokane	37	40	50	60	60	60
Tri-Cities	11	10	15	15	20	20
Vancouver	153	155	160	160	160	160
Walla Walla	7	10	15	15	20	20
Yakima	9	8	15	20	20	20
Everett						
<b>RN-BSN - Total</b>	<b>217</b>	<b>223</b>	<b>255</b>	<b>270</b>	<b>280</b>	<b>280</b>

## Strategies:

- **Expand to Everett** for students in the northern corridor. Currently students who live in the northern corridor must drive to Vancouver. We have an opportunity to expand our presence in Everett.
- The RN-BSN program has an opportunity to **create a dual enrollment program** where *community college students who are accepted in the Associate Degree program could apply to WSU to complete the Associate Degree and BSN at the same time*. Clark College and Spokane Community College are exploring with WSU a statewide option for students. If we were to offer this option statewide it will vastly increase our RN-BSN numbers.
- **Moving online**. A very complicated multi-campus issue. The dual enrollment program to be fully online. The RN-BSN is **currently revising the curriculum to decrease the clinical hours**. This change will focus on practice hours with a specific focus (research, policy, population health and leadership). Our community stakeholders (Kaiser) want a population health/nurse care manager course. We have built that into our new curriculum to prepare students to manage complex populations.
- **Hire a full-time advisor/program coordinator**. We currently need to increase our presence statewide. Our competitors have better presence, swag and marketing strategies. We propose hiring a staff member to work strategically with our community college partners to work on innovative ways to gets students to chose WSU. This person would collaboratively work with the campus advisor to create a growth-oriented strategic plan.
- **Explore new program development**. RN to DNP/PhD, RN to MBA/MSN





# Forecasted Pre-Licensure (BSN) Program Headcount by Location

Pre-Licensure	FY19	FY20	FY21	FY22	FY23	FY24
Puyallup						
Spokane	351	360	360	360	360	368
Tri-Cities	79	96	96	96	104	112
Vancouver						
Walla Walla						
Yakima	92	96	96	104	112	120
Everett						
<b>Pre-Licensure - Total</b>	<b>522</b>	<b>552</b>	<b>552</b>	<b>560</b>	<b>576</b>	<b>600</b>

## Strategies:

- Expand Prelicensure enrollment on Yakima & Tri-Cities:** Possible expansions that may be responsive to need would be to expand the Yakima and Tri-Cities campuses by 1 section (8 students) over the next two years. Yakima campus would be the most reasonable campus to increase in 2020-2021, enjoying the more stable faculty. The Tri-Cities campus has traditionally had large faculty and leadership turnover, but also has a great nursing need. With appropriate support, Tri-Cities could potentially add a new section (8 students) in 2021- 2022.
- Expansion of Spokane capacity:** Could be accomplished by expanding the Spokane site by 1 section AFTER the “teach out” of the new curriculum is complete, in 2022. A new section of 8 students could be supported in 2022 – 2023. The addition of each new section would be anticipated to result in at least 0.5 clinical faculty and 0.25 didactic faculty increase per term for a total of 3 new faculty FTE for each new section on each campus.
- Change the program on all campuses to Year Round BSN Program:** The existing BSN program does not offer courses in the summer. This results in Fall admission students “sitting out” one summer between their 2<sup>nd</sup> and third terms, and Spring admission students sitting out two summers between their 1<sup>st</sup> and 2<sup>nd</sup> and 3<sup>rd</sup> and 4<sup>th</sup> terms. *This proposal would be to change the program to year round, best deployed with the new curriculum.* Admission would be twice per year, in the spring and fall, with an increase in the enrollment to 100 on the Spokane campus (2 additional sections) in addition to expansion on the TC and Yakima campus would result in 32 additional enrolled annually across the campuses. The new curriculum decreases clinical hours but increases the didactic faculty need. This program would result in the graduation of 150-155 students each cycle, with 300 graduates over two years, up from the existing 250 per year. Admissions would be the same as above, but with students graduating after 4 terms, rather than 5 or 6 total terms, accelerating the number of graduates.





# Forecasted MN PH Program Headcount by Location

MN PH	FY19	FY20	FY21	FY22	FY23	FY24
Puyallup	2	2	5	7	20	30
Spokane	5	5	5	13	40	45
Tri-Cities	3	3	5	12	20	25
Vancouver	20	20	10	35	40	50
Walla Walla	1	1	2	5	10	15
Yakima			5	5	15	20
Everett				5	10	15
<b>MN - Total</b>	<b>31</b>	<b>31</b>	<b>32</b>	<b>82</b>	<b>155</b>	<b>200</b>

## Strategies:

- To expand by Fall 2021, target admissions in Central Washington (Yakima and Tri-Cities) & Eastern WA (Spokane):
- The MN PH program is developing more visibility for the three Graduate Certificates: Nursing Education, Nursing Leadership and Public Health. While the majority of students are completing the certificates within their primary graduate degree programs (MN PH, DNP, PhD), growth is feasible in non-matriculated tracks for post BSN/post MN-RN applicants seeking the Public health certificate.
- Another avenue for program expansion is through the RN-MN pathway for RN applicants (RN-B program) with a BA/BS in another degree and a prelicensure RN-MN pathway for BSN students with a BA/BS in another degree.



# Forecasted DNP Program Headcount by Location

DNP	FY19	FY20	FY21	FY22	FY23	FY24
Puyallup	46	35	35	35	35	35
Spokane	60	55	55	55	55	55
Tri-Cities	18	16	30	18	18	24
Vancouver	53	60	60	60	60	60
Walla Walla	5	3				
Yakima	6	4	16	18	18	24
Everett				30	30	42
<b>DNP - Total</b>	<b>188</b>	<b>173</b>	<b>196</b>	<b>216</b>	<b>216</b>	<b>240</b>

## Positioned for success:

There were just 31 students enrolled in 2012, the program's first year, versus 173 in the 2019-20 academic year. The college closed the MN Advanced Degree option in fall 2019 which will account for more students in the DNP program. Additionally:

- A plan developed by WSU and the Kadlec Foundation in 2019 promises to boost DNP enrollments in the Tri-Cities. Those graduates will create a larger pool of potential faculty to support growth of the Yakima program.
- Yakima DNP enrollment will be enhanced by the move of the program to [PNWU](#). The more modern facilities will:
  - Attract new DNP faculty and students
  - Expand opportunities for learning via high-fidelity simulation
  - Provide better technological support for hybrid delivery of distance education
  - Enable students to engage in interprofessional education activities with PNWU students, preparing better clinical practitioners and educators, and begin opportunities for nursing faculty to serve as Affiliate faculty at PNWU.



# Forecast of Nursing Net Tuition

<b>System Wide Headcount</b>						
	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>
DNP	188	173	196	216	216	240
MN PH	31	31	32	82	155	200
RN-BSN	217	223	255	270	280	280
Pre-Licensure	522	552	552	560	576	600
<b>Conversion to AAFTE</b>						
	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>
DNP	132	121	137	151	151	168
MN PH	22	22	22	57	109	140
RN-BSN	239	245	281	297	308	308
Pre-Licensure	574	607	607	616	634	660
<b>Projected Revenue (At FY19 Tuition)</b>						
Average Net Tuition - UG		9,300				
Average Net Tuition - Grad		15,000				
	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>
DNP	\$ 1,974,000	\$ 1,816,500	\$ 2,058,000	\$ 2,268,000	\$ 2,268,000	\$ 2,520,000
MN PH	\$ 325,500	\$ 325,500	\$ 336,000	\$ 861,000	\$ 1,627,500	\$ 2,100,000
RN-BSN	\$ 2,219,910	\$ 2,281,290	\$ 2,608,650	\$ 2,762,100	\$ 2,864,400	\$ 2,864,400
Pre-Licensure	\$ 5,340,060	\$ 5,646,960	\$ 5,646,960	\$ 5,728,800	\$ 5,892,480	\$ 6,138,000
<b>Total</b>	<b>\$ 9,859,470</b>	<b>\$ 10,070,250</b>	<b>\$ 10,649,610</b>	<b>\$ 11,619,900</b>	<b>\$ 12,652,380</b>	<b>\$ 13,622,400</b>
Incremental Revenue Over FY19		\$ 210,780	\$ 790,140	\$ 1,760,430	\$ 2,792,910	\$ 3,762,930
PNWU Investment		\$ 650,000	\$ 650,000	\$ 650,000	\$ 650,000	\$ 650,000
<b>Net (Deficit)/Surplus</b>		<b>\$ (439,220)</b>	<b>\$ 140,140</b>	<b>\$ 1,110,430</b>	<b>\$ 2,142,910</b>	<b>\$ 3,112,930</b>
<b>Cumulative (Deficit)/Surplus</b>		<b>\$ (439,220)</b>	<b>\$ (299,080)</b>	<b>\$ 811,350</b>	<b>\$ 2,954,260</b>	<b>\$ 6,067,190</b>



# Summary

## Summary:

- The College of Nursing historically and currently has been/is the largest nursing program in the state of Washington and our plan to expand enrollment in all program tracks (RN-to-BSN, BSN, MN-Population Health, DNP, and PhD) is designed to keep us as the acknowledged leader in nursing education in the state.
- Our expansion plan involves engaging in formal partnerships with large hospital care facilities across the state (Premera, Kadlec, MultiCare, Veterans, Kootenai, Kaiser-Permanente, PNWU) to name a few.
- We believe the plan is a reasonable estimate of enrollment over the next five years.
- To achieve success, we will need funding to increase the number of qualified faculty to teach and conduct clinical supervision, additional staff to run the daily operations, and the capacity to open new clinical placements for students across the state, including rural placements.
- The dire need for the Spokane campus to receive tuition reimbursement is central to our expansion plans as is the need for a nursing financial model that works for all campuses.
- We are optimistic we will find a way forward together and we look forward to growing in conjunction with our health sciences partners located state-wide.



## ACTION ITEM #4

### Proposed Changes to the President's Delegations of Authority (Stacy Pearson)

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Proposed Changes to the President's Delegations of Authority

PROPOSED: That the Board of Regents approve the following changes to the President's Delegated Authority:

- Increase the threshold amount for required approval by the Board of Regents from \$2,500,000 to \$5,000,000 for general business and financial affairs.
- Increase the real estate transaction threshold amount for required approval by Regents from \$1,000,000 to \$5,000,000.
- Increase the capital construction projects threshold amount for required approval by Regents from \$1,000,000 to \$5,000,000, for all projects, regardless of funding source.

Provided, however, that the President or designee provides an appropriate committee of the Board of Regents with a written update at the subsequent, regular meeting of the Board, describing all transactions executed under this delegation of authority that fall between \$2,500,000 and \$5,000,000 (for general business and financial affairs) and between \$1,000,000 and \$5,000,000 (for real estate transactions and capital construction projects).

SUBMITTED BY: Stacy Pearson, Vice President, Finance and Administration

SUPPORTING INFORMATION: Pursuant to RCW 28B.10.528, the Board of Regents is authorized to delegate to the President, or his designees, powers and duties vested in or imposed upon the Board by law to enable the President or his designee to act on behalf of the Board of Regents in matters relating to the administration and governance of the University. Concerns have been raised regarding the existing

limits in the delegation of authority adopted by Resolution #011005-143 dated October 5, 2001 including:

- **General Business and Financial Affairs:** Purchases of goods, equipment, supplies and materials do not generally involve major policy. The proposed \$5,000,000 threshold amount will provide Purchasing Services with a more consistent threshold and enable more effective and efficient operations.
- **Real Estate:** Real estate transactions usually require a short turnaround time. The current approval process can take three to four months and is not conducive to timely real estate negotiations.

Under the University’s current threshold, all real estate transactions that exceed \$1,000,000 require the approval of the Board of Regents, regardless of transaction type as generally illustrated in the table below:

<b>Leases</b>	<b>Acquisitions</b>	<b>Dispositions</b>	<b>Easements</b>
\$1,000,000 over the term of the Lease, as landlord or tenant	\$1,000,000	\$1,000,000	\$1,000,000

The University’s threshold amounts are outdated and relatively low compared to other similar institutions. We propose an increase to the threshold for all University real estate transactions to \$5,000,000, as illustrated below:

<b>Leases</b>	<b>Acquisitions</b>	<b>Dispositions</b>	<b>Easements</b>
\$5,000,000 over the term of the Lease, as landlord or tenant	\$5,000,000	\$5,000,000	\$5,000,000

The proposed \$5,000,000 threshold amount will allow CREO (Contracts and Real Estate Office) to function more effectively and efficiently, which is critical when the University needs to work quickly to complete an acquisition or disposition, or to finalize a lease agreement.

- **Capital Projects:** Under the University's current threshold, all non-state funded capital projects that exceed \$1,000,000 require the approval of the Board of Regents.

The University's \$1,000,000 delegation of authority for non-state funded capital projects is outdated and has been in place since the early 2000's. This delegation was most recently changed in 2013 to allow an increase to \$5,000,000 for state funded projects

The proposed \$5,000,000 threshold amount provides Facilities Services a consistent threshold, allowing the unit to function more effectively and efficiently.

The capital construction transaction threshold amount required for Board of Regents approval is proposed to increase as follows:

For projects that have an estimated total cost of five (5) million dollars or less, the President or designee is delegated the authority to approve and execute contracts relating to the selection and appointment of architects, engineers, planners, and other professional consultants;

- to approve and adopt schematic design plans;
- to establish project budgets;
- to award and execute construction contracts for new buildings, additions;
- to reject any or all bids, and to rebid projects where determined to be appropriate;
- to authorize the use of alternative public works procurement consistent with RCW 39.10

The Office of Finance and Administration will provide a written quarterly update to the Board of Regents for all transactions between \$1,000,000 and \$5,000,000.

The current delegated authority approvals that require the President to consult with the Chair of the Board of Regents for emergency expenditures that exceed the current delegated authority limits will be revised to include these new amounts.

**BOARD OF REGENTS**  
**Washington State University**

**Resolution #200313-624**

**Delegation of Authority**

WHEREAS, the Board of Regents of Washington State University by virtue of RCW 28B.10.523 has authority to delegate by resolution to the President of the University, or his designee, powers and duties vested in or imposed upon the Board by law and to enable the President or his designees to act on behalf of the Board of Regents in matters relating to the administration and governance of the University;

WHEREAS, the Board finds it necessary, desirable, and expedient to the timely and efficient operation of the University to delegate authority to the President of the University, Kirk H. Schulz or to his designee to act for the Board of Regents in matters pertaining to the general business and financial affairs, organization, and management of the University;

NOW, THEREFORE, be it resolved:

That the Board of Regents hereby delegates to the President of the University, Kirk H. Schulz and to his designees, authority to act for the Board of Regents regarding the general business and financial affairs, organization, and management of the University, including but not limited to the following:

- (a) The execution and administration of contracts relating to the general business and financial affairs of the University including but not limited to purchase orders and all other written instruments relating to the procurement or disposal of personal property including but not limited to goods, supplies, materials and insurance where the total costs to the University are estimated to be less than \$5,000,000.
- (b) The execution and administration of purchases that have been pre-authorized or pre-allocated by the Regents. Said authority extends but is not limited to purchases incident to capital construction projects.
- (c) The execution and administration of purchases made pursuant to an external grant.
- (d) The execution of contracts regarding real property acquisition and disposal, leases, rental agreements, facilities management agreements, easements, permits, licenses, and other written instruments relating to acquisition of or granting of interests in real property where the value of the property to be disposed of or

obligated in such manner is under \$5,000,000.

- (e) The execution of contracts for personal or professional services to or by the University. The execution of contracts, purchase orders or other written instruments relating to the acquisition of heating fuels and other heating, electrical, telephone, water and sewage utility services.
- (f) The selection and appointment of architects, engineers, planners, and other professional consultants, the approval or adoption of conceptual, schematic and preliminary (design development) plans, and the approval of working drawings where the total project costs (that is the estimate of the ultimate overall costs of the entire project) are estimated to be less than \$5,000,000; the authority to call for bids, to establish project budgets, to advertise and receive bids and to award construction contracts for new buildings, additions, alterations, improvement, and repairs where the total project costs are less than \$5,000,000; and to reject any or all bids, and to rebid projects where determined to be appropriate.
- (g) Execution of contracts providing for the receipt of grant funds, sponsored research funds, awards, matching grants, or acceptance of gifts or bequests by the University.
- (h) Investment or re-investment of current, endowment or trust funds and the acquisition, sale, or transfer of stocks, bonds, or certificates of investment in accordance with general policies established by the Board of Regents, or the joint University/WSU Foundation Investment Committee, from time to time.

Provided, however, that the President or designee provides an appropriate committee of the Board of Regents with a written update at the subsequent, regular meeting of the Board, describing all transactions executed under this delegation of authority that fall between \$2,500,000 and \$5,000,000 (for general business and financial affairs) and between \$1,000,000 and \$5,000,000 (for real estate transactions and capital construction projects).

Signed the 13<sup>th</sup> day of March, 2020.

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President of the Board of Regents

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Secretary of the Board of Regents

## **ACTION ITEM #1**

### **Proposed Amendments to WAC 504-26-110: Standards of Conduct for Students - Composition of Conduct Board (Mary Jo Gonzales/Terry Boston)**

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Proposed Amendments to WAC 504-26-110: Standards of Conduct for Students - Composition of Conduct Board

**PROPOSED:** That the Board of Regents approve the proposed amendments to WAC 504-26-110: Standards of Conduct for Students - Composition of Conduct Board

**SUBMITTED BY:** Terry Boston, Acting Vice President for Student Affairs

**SUPPORTING INFORMATION:**

The University President has authority to adopt emergency rules, provided that a summary of any action taken is presented to the appropriate committee of the Board of Regents at the next regularly scheduled meeting. WAC 504-26-110 was previously amended by emergency rule and a summary was presented to the Board at the November 2019 meeting. This action item seeks to make that emergency rule permanent through the Board of Regents' authority under Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal University regulations published in the Washington Administrative Code.

WAC 504-26-110 sets forth the composition of the University Conduct Board (see attached) for adjudicating student conduct matters where suspension or expulsion is a possible outcome. Delays in having timely hearing presents potential Title IX compliance concerns and may negatively impact both reporting and responding students awaiting a conduct board hearing. By reducing the number of conduct board members, delays in scheduling hearings will be significantly reduced.

The proposed changes were discussed with student leaders across the WSU system. They understood the negative impact that the delays were having on students and were generally supportive of the smaller boards, although some expressed concern with the reduction of student members required for each conduct board from three to one. It was conveyed that while only one would be required, whenever

possible the board would strive to keep the original vision of a strong student presence (majority students) while ensuring compliance with our institutional agreement from the U.S. Department of Education's Office of Civil Rights. Ultimately, student leaders understood the need for the emergency rule and supported the change.

During the time the emergency rule has been in place, the University Conduct Board eliminated the backlog of delayed cases and completed hearings in a more efficient and timely manner. On February 5, 2020, a public hearing was conducted to solicit public comments regarding the amendments (see attached). Generally, the comments in support noted that scheduling was easier, resulted in a reduction in the length of the hearings, and had little to no effect on the amount of student participation in the outcome. There were no comments opposing the amendments.

ATTACHMENT: Attachment A: Filed Report pursuant to RCW 34.05.325(4)



**MEMORANDUM**

DATE: February 7, 2020

TO: Kirk H. Schulz  
President

FROM: Deborah L. Bartlett *DBartlett*  
Rules Coordinator

SUBJECT: Amend WAC Chapter 504-26: Standards of Conduct for Students

This report is filed pursuant to RCW 34.05.325(4).

On February 5, 2020, a public hearing was conducted to solicit public comments regarding amendment of WAC Chapters 504-26: Standards of Conduct for Students. The proposed amendments are intended to modify, clarify, and update the University's standards of conduct for students. The proposed amendments decrease the number of student conduct board members from five to three and remove the option for storage of student firearms at the WSU police department. The rules regarding the composition of a conduct board are updated because the amount of time required for WSU to schedule and complete student conduct hearings with five conduct board members presents potential Title IX (of the Civil Rights Act) compliance concerns and may negatively impact both reporting and responding students awaiting a conduct hearing. Therefore, WSU proposes changes to WAC 504-26-110 to reduce the number of conduct board members required to hear a case. These changes will reduce the difficulty in scheduling cases for a hearing, reduce waiting times, and reduce the risk of noncompliance with Title IX's timely resolution requirements, while also promoting the well-being of reporting and responding students awaiting a conduct board hearing. WSU's student conduct code regarding firearms is updated to reflect the discontinuation of student firearm storage by the WSU Police Department. Recent amendments to RCW 9.41.345 made the university's firearms storage program unfeasible and thus the university discontinued the program. Accordingly, WAC 504-26-213 must be amended to reflect this change in university policy.

Four employees submitted written comments to the Office of Procedures, Records, and Forms, via the Office of Student Affairs, during the public comment period prior to the close of business on February 5, 2020. Two students made a statements at the public hearing. Copies of the written comments and a synopsis of the oral comments are attached to this memorandum.

Prior to the hearing, notice of opportunity to make public comment on this proposal, either verbally or in writing, was published on January 21, 2020 in the WSU Tri-Cities Currents newsletter; on January 27, 2020 in the WSU Insider, the WSU Spokane Announcements, the

WSU Everett weekly newsletter, and the WSU Vancouver employee and student e-mail newsletters; on January 28, 2020 in the online edition of the Daily Evergreen at WSU Pullman; and on January 29, 2020 in the print edition of the Daily Evergreen at WSU Pullman; and was duly submitted for publication on January 13, 2020 in the WSU Events Calendar. Notice was also published on January 15, 2020 on the WSU rule-making website, which is accessible by a direct link from the WSU home page. Each notice included notification of the time and place of the public hearing where oral comments could be provided and a request for written comments to be submitted no later than the close of business on February 5, 2020.

Other than the oral and written comments received from the individuals indicated above, no additional comments were received, oral or written, from the public regarding this proposal.

dlb

cc: Danielle Hess, Senior Assistant Attorney General, Attorney General's Office--WSU Division  
Nathan Deen, Assistant Attorney General, Attorney General's Office--WSU Division  
Karen Metzner, Assistant Director, Center for Community Standards  
Steve Hansen, Associate Director, WSU Police Department  
Bill Gardner, Associate Vice President and Executive Director, Public Safety  
Jill Creighton, Associate Vice President, Office of Student Affairs and Dean of Students  
Terry Boston, Acting Vice President, Office of Student Affairs  
Vicky Murray, Executive Director, Office of Finance and Administration  
Stacy Pearson, Vice President, Office of Finance and Administration  
Desiree Jacobsen, Executive Assistant to the Board of Regents

Attachments: Written comments received during public commenting period ending February 5, 2020 regarding amendment of WAC Chapters 504-26: Standards of Conduct for Students

Synopsis of oral comments received from attendees at public hearing held February 5, 2020 regarding amendment of WAC Chapters 504-26: Standards of Conduct for Students

Copy of proposed amendment to WAC Chapters 504-26: Standards of Conduct for Students

# University Conduct Board Statistics

## MEMBERSHIP

### Current Composition

- Active Roster
  - 13 Students, 11 Staff
- Inactive Roster – *Schedules did not work, requested semester off, or unresponsive to communications*
  - 22 Students, 3 Staff

### Membership Changes Since June 1

- Added 16 total members
  - 14 students, 2 staff
- Lost 20 total members
  - 16 students, 4 staff

### Current University Conduct Board Membership by Campus

- Pullman – 9 active staff, 13 active students, 1 inactive staff, 19 inactive students
- Spokane – 1 active staff, 1 inactive student
- Tri-Cities – 1 inactive student
- Vancouver – 1 inactive staff
- Everett – 1 inactive staff
- Global – 1 active staff, 1 inactive student

## SCHEDULING FOR HEARINGS:

### Before Emergency WAC 504-26-110

- Summer scheduling was challenging to find enough students available to do a hearing with alternates available. Scheduling was put together as possible
- Fall 2019 – Hearings were scheduled weekly only on Monday, Wednesday, and Friday mornings from 8am-12pm as student schedules allowed since at least 4 students with the same availabilities were needed

### Since Emergency WAC 504-26-110

- Spring 2020 – Hearings are scheduled based on weekly alternating teams
  - Monday and Wednesdays
    - Noon-6PM
    - 2 Staff chairs
    - 4 Staff alternates
    - 7 Students
  - Tuesday and Thursdays
    - Noon-6PM
    - 2 Staff chairs
    - 3 Staff alternates
    - 6 Students

## STATEMENTS REGARDING EMERGENCY WAC 504-26-110

### Nathan Deen, Assistant Attorney General, WSU Division of the Office of the Attorney General

"I wholeheartedly support the proposed amendment. For certain types of Conduct Board cases-particularly those involving Title IX matters witness credibility is often at issue, stakes and emotions are high for all parties, and relevant evidence is often voluminous-due process and state law requirements regularly result in conduct board hearing times of twelve hours or more. With lengthy hearings, it becomes increasingly difficult to schedule long blocks of hearing times with student schedules. Prior to reducing the Conduct Board quorum size, this difficulty in scheduling long periods of hearing times caused a back log of student conduct cases resulting in delays for respondents and complainants to achieve finality in their student conduct cases. The quorum size also complicated hearings once they begin. There are several cases that have taken weeks to complete as the parties, their lawyers, the conduct board, and the Administrative Law Judge assigned to the case must all have the same availability to complete the hearing. By reducing the conduct board's quorum, this mitigates these problems by reducing the number of personal schedules that must align to complete lengthy hearing. In addition, reducing the conduct board's quorum has little to no effect on the amount of student participation in the outcome. Under WSU's process, the Appeals Board has the final review of the matter and owes no deference to the Conduct Board's decision. Appeal Board membership remains unchanged under the proposed amendments and continues to require a majority of students to reach quorum."

### Audrey Van Nuland, Academic Advisor and University Conduct Board Chair

Scheduling has changed for the better since the quorum changed. It is much easier to schedule 3 people than 5, especially if a case takes more than the time originally presumed. It was very difficult when I worked on a hearing that one of the students quit. It was difficult to find someone to get caught up and replace them. With a quorum of 3, it is a much easier process.

### Kyle Holbrook, Student Housing Coordinator and University Conduct Board Chair

My experience with the quorum of five went smoothly enough though the case we worked on was already pretty cut and dry. I did feel the number could lead to some hesitance in discussing differing viewpoints or exploring points of clarification because of the high number of people.

My experience with the quorum of three people was very good. We still had a diversity of opinions, and due to having less people, we had more time to discuss sensitive/differing viewpoints as a group. This in turn I feel led to a more genuine consensus building as we all had an opportunity to have a full conversation on the case. I would wholeheartedly recommend an official change to a 3-member quorum.

### Karen Fischer, Associate Dean of Students

From a student care perspective – The emergency WAC revisions provide a more expedient scheduling process and provides more favorable timelines to conclusion for both reporting party and responding party.

The longer timelines due to challenges of scheduling multiple volunteer board members negatively impacts both reporting party and responding party by having significant uncertainty for longer time periods and the uncertainties impede educational and personal progress.

## CASES

### University Conduct Board Cases by Campus since March 2019

- Pullman – 13, 1 pending
- Spokane - 0
- Tri-Cities - 0
- Vancouver - 0
- Everett - 0
- Global – 1 pending

## COMPARISON

Case comparison since Emergency WAC 504-26-110 went into effect, **bold cases are Title IX / EP 15:**

Cases prior to 10/22/19 when WAC change went into effect. Policy to schedule 4 students and 3 staff, one of which is a chair. This allows for one student and one staff alternate.

- **Case 1 – 4 hours and 2 minutes, 7 hours real time**
  - Respondent represented
  - Investigation commenced 8/8/18, case concluded 4/19/19
- **Case 2 – 5 hours and 53 minutes, 8 hours real time**
  - Respondent represented
  - Investigation commenced 9/4/18, case concluded with appeal 8/21/19
- **Case 3 – 3 hours, 6 hours real time**
  - All parties represented
  - Investigation commenced 12/5/18 (additional pending cases of similarity), case concluded with appeal 6/26/19
- **Case 4 – 3 hours and 44 minutes, 6-8 hours real time**
  - All parties present, not represented
  - Investigation commenced 9/12/18, case concluded with appeal 7/22/19
- **Case 5 – 8 hours in total time**
  - University party only
  - Needed to use an alternate student
  - Investigation commenced 3/29/18, case concluded 6/20/19
- **Case 6 – 2 hours total time**
  - University and student initially present, ended participation after rescheduling
  - Hearing needed to be continued due to lack of students
- **Case 7 – 30 hours in total time**
  - All parties represented
  - Needed to use a student alternate, and an additional student resigned mid-hearing
  - Investigation commenced 6/11/18, case concluded with appeal 12/18/19
- **Case 8 – 4 hours total time**
  - University and student with representation present
  - Need to use alternate student and staff as two members were not able to participate in the hearing known a week before hearing date

Cases after 10/22/19 with WAC change in effect. Current policy to schedule two students and two staff, one of which is a chair. At time of hearing the additional staff member is released as an alternate unless a student cannot participate in the hearing.

- **Case 1 – 3 hours total time**
  - University only party
  - Heard by 2 students (student chair) and 1 staff
- **Case 2 – 14 hours total time**
  - University, reporting student with representation, and responding student with representation
  - 2 days before hearing, one student called in sick, day of hearing second student was going to participate via conference call while driving. Was able to procure a backup student. Heard by 2 staff and 1 student
  - Case is currently in appeal
- **Case 3 – 10 hours total time**
  - University and student with representation present
  - Heard by staff chair and two students
  - Case is currently in appeal
- **Case 4 – 3 hours total time**
  - University and student with representation present
  - Heard by staff chair and two students
- **Case 5 – 2 hours total time**
  - University and student participated
  - 3 days before hearing, student had an unexpected medical appointment, heard by 2 staff and 1 student
- **Case 6 – pending hearing**
  - University and student participant
  - 2 staff and 2 students scheduled
- **Case 7 – pending hearing**
  - University, reporting student, responding student with representation
  - 2 staff and 2 students scheduled

updated February 2020

The following oral comments were received during the public comment period concerning proposed changes to WAC 504-26 Standards of conduct for students. (WSR 20-02-107)

**Jhordin Prescott, ASWSU Vice President**

My name is Jhordin Prescott. I am the ASWSU vice president. I am testifying in support of this passage. I felt like our voices really were heard as we talked to Terry and Jill a couple of times, multiple times. I felt like it was a really transparent process, and I felt like it was really very well communicated to us.

I think that it is really unfair for students to have to wait months in order to be heard, so that is why I am testifying in support of it. Thank you.

**Joshua Hiler, WSU Student**

Good afternoon, my name is Josh Hiler. I want to speak on the 504-26-110 revision. I do want to first say that I am currently a student member of the student conduct board, but I am speaking as an individual.

I support the reduction in the forum from five to three; the timeliness issues have certainly been a problem in the past. However, I wanted to raise a concern with some the change in the intent. Part of the intent in the original version when we had the five [members] and three students required meant that anyone who . . . for a final decision to be made, at least one student would have to vote in favor of it, because of the requirement for three students. Under the current revision, that is no longer the case. Now I do not think we should change it to be a majority of students under the new formula; I think the new formula is a good formula.

However, since we want to sort inspire that intent, or at least I would imply that we want to inspire that intent, I would suggest a small change to the language inserting after "any rank or classification," language along the lines of "and the Office of Student Conduct shall endeavor to maximize the number of student members where feasible." The idea behind this that it lends legitimacy to the board where there is at least one student voting in favor. Which, given the severity of the offenses that are brought before the board and the gravity of the potential sanctions, I think this is important for the University and for the student body. Thank you.

**WSR 20-02-107**  
**PROPOSED RULES**  
**WASHINGTON STATE UNIVERSITY**  
[Filed January 2, 2020, 9:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-21-171.

Title of Rule and Other Identifying Information: Chapter 504-26 WAC, Standards of conduct for students.

Hearing Location(s): On February 5, 2020 at 4:00 p.m., at Lighty 401, Washington State University (WSU) Pullman, Pullman, Washington; SPBS 125A, WSU Spokane, Spokane, Washington; TFLO 210, WSU Tri-Cities, Richland, Washington; DEN 301, WSU Vancouver, Vancouver, Washington; Seminar 261, WSU Everett, Everett, Washington; 1-720-707-2699 or 1-646-558-8856 for call-in attendees. Join Zoom meeting from PC, Mac, Linux, iOS, or Android <https://wsu.zoom.us/j/896935775>, meeting ID 896 935 775.

Date of Intended Adoption: March 13, 2020.

Submit Written Comments to: Deborah Bartlett, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, email [prf.forms@wsu.edu](mailto:prf.forms@wsu.edu), fax 509-335-3969, by February 5, 2020.

Assistance for Persons with Disabilities: Contact Joy Faerber, phone 509-335-2005, fax 509-335-3969, email [prf.forms@wsu.edu](mailto:prf.forms@wsu.edu), by February 3, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The university is modifying, clarifying, and updating the university's standards of conduct for students.

Reasons Supporting Proposal: The proposed amendments decrease the number of student conduct board members from five to three and remove the option for storage of student firearms at the WSU police department.

The rules regarding the composition of a conduct board are updated because the amount of time required for WSU to schedule and complete student conduct hearings with five conduct board members presents potential Title IX (of the Civil Rights Act) compliance concerns and may negatively impact both reporting and responding students awaiting a conduct hearing. Therefore, WSU proposes changes to WAC 504-26-110 to reduce the number of conduct board members required to hear a case. These changes will reduce the difficulty in scheduling cases for a hearing, reduce waiting times, and reduce the risk of noncompliance with Title IX's timely resolution requirements, while also promoting the well-being of reporting and responding students awaiting a conduct board hearing.

WSU's student conduct code regarding firearms is updated to reflect the discontinuation of student firearm storage by the WSU police department. Recent amendments to RCW 9.41.345 made the university's firearms storage program unfeasible and thus the university discontinued the program. Accordingly, WAC 504-26-213 must be amended to reflect this change in university policy.

Statutory Authority for Adoption: RCW 28B.30.150.

Statute Being Implemented: RCW 9.41.345(5).

Rule is necessary because of federal law, Title IX of the Civil Rights Act of 1964.

Name of Proponent: WSU, public.

Name of Agency Personnel Responsible for Drafting: Danielle Hess, Senior Assistant Attorney General, Attorney General's Office, WSU Division, French Administration 332, Pullman, WA 99164-1031, 509-335-2636; Implementation and Enforcement: Mary Jo Gonzales, Vice President, Student Affairs, French Administration 134, Pullman, WA 99164-1013, 509-335-4531, or Terry Boston, Acting Vice President, Student Affairs, French Administration 134, Pullman, WA 99164-1013, 509-335-4531.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The university does not consider these rules to be significant legislative rules.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules adopt, amend, or repeal a procedure,

practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Is exempt under RCW 19.85.025.

Explanation of exemptions: The amendments to WSU student conduct code only apply to students at WSU, and therefore do not affect business or commerce in any way.

January 2, 2020

Deborah L. Bartlett, Director  
Procedures, Records and Forms  
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

**WAC 504-26-110 Composition of conduct board.**

A conduct board must consist of ~~((five))~~three members. A quorum of ~~((five))~~three is needed to hear a matter. The presiding officer is not a member of the conduct board and therefore is not considered for purposes of determining whether there is a quorum. A ~~((majority of))~~minimum of one conduct board member~~((s))~~ hearing a matter must be an enrolled WSU student~~((s))~~ (undergraduate, graduate, or professional) and may be full-time or part-time. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. When the complainant or respondent is enrolled at a particular campus, at least one member of the conduct board must be from that campus. No conduct board member may serve on a case if the member previously served on a board in a case involving the same complainant or respondent.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

**WAC 504-26-213 Firearms and dangerous weapons.**

No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university premises or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing. ~~((Students wishing to maintain a firearm on campus for hunting or sporting activities must store the firearm with the Washington State University department of public safety.))~~

## ACTION ITEM #2

### Proposed Amendments to WAC 504-26-213: Standards of Conduct For Students - Firearms and Dangerous Weapons (Stacy Pearson/Bill Gardner/Terry Boston)

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Proposed Amendments to WAC Chapter 504-26-213: Standards of Conduct for Students - Firearms and Dangerous Weapons

**PROPOSED:** That the Board of Regents approve the proposed amendments to WAC 504-26-213: Standards of Conduct for Students – Firearms and Dangerous Weapons.

**SUBMITTED BY:** Stacy Pearson, Vice President for Finance and Administration

**SUPPORTING INFORMATION:** The University President has authority to adopt emergency rules, provided that a summary of any action taken is presented to the appropriate committee of the Board of Regents at the next regularly scheduled meeting. WAC 504-26-213 was previously amended by emergency rule and a summary was presented to the Board at the November 2019 meeting. This action item seeks to make that emergency rule permanent through the Board of Regents' authority under Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal University regulations published in the Washington Administrative Code.

The university is updating the rules to remove the option for storage of student firearms at the WSU Police Department. While only the Pullman Campus was equipped for storage, the rule, as updated, extends to all campuses. A summary of the background and reason for the rule change follows, and a copy of the chapter, illustrating the specific changes, is appended as Attachment A.

These changes are necessary to ensure that WSU policy is consistent with RCW 9.41.113, which was modified as a result of Washington Initiative 1639. Essentially, the law requires a background check prior to transferring a firearm to the owner, and there is no exception for our unique service of storing firearms for our students who wish to bring them to campus for hunting or sporting activities. The length of time to conduct a background check is unpredictable, varying from days to weeks, which renders the service impractical in meeting the needs of

our students, as such a background check would have to be conducted each and every time a firearm is retrieved. Current legal opinion is that WSU should discontinue this service in order to be consistent with the law as currently written.

The University filed an emergency rule making order on September 26, 2019 in order to maintain compliance with RCW 9.41.113, and refiled the emergency rule making order on January 23, 2020. Emergency rules are effective for 120 days while the permanent rule making process is in progress.

A notice of opportunity to make public comment on the proposal, either verbally or in writing, was published on January 21, 2020 in the WSU Tri-Cities Currents newsletter; on January 27, 2020 in the WSU Insider, the WSU Spokane Announcements, the WSU Everett weekly newsletter, and the WSU Vancouver employee and student e-mail newsletters; on January 28, 2020 in the online edition of the Daily Evergreen at WSU Pullman; and on January 29, 2020 in the print edition of the Daily Evergreen at WSU Pullman; and was duly submitted for publication on January 13, 2020 in the WSU Events Calendar. Notice was also published on January 15, 2020 on the WSU rule-making website, which is accessible by a direct link from the WSU home page. Each notice included notification of the time and place, on each campus, of the public hearing where oral comments could be provided, and a request for written comments to be submitted no later than the close of business on February 5, 2020.

No comments, either oral or written, were received with regard to WAC Chapter 504-26-213.

ATTACHMENT: Attachment A - WAC Chapter 504-26-213

## Attachment A

**WAC 504-26-213 Firearms and dangerous weapons.** No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university premises or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing. (~~Students wishing to maintain a firearm on campus for hunting or sporting activities must store the firearm with the Washington State University department of public safety.~~)

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**WAC 504-26-213 Firearms and dangerous weapons.** No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university premises or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing.

## ACTION ITEM #3

### Proposed Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Program (Theresa Elliot-Cheslek/Ann Monroe)

March 13, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Amendments to and Restatement of the Washington State University Retirement Plan (WSURP) and the Washington State University Voluntary Investment Program (VIP)

**PROPOSED:** That the Board of Regents approve and adopt the amended and restated Washington State University Retirement Plan (WSURP) and the amended and restated Washington State University Voluntary Investment Program (VIP) in substantially the same form as the versions attached to the agenda item; and

That the Board of Regents delegate to the President or his designee(s) the authority to make such changes in the plan documents in substantial conformity with the versions presented at this meeting, to execute the plans in the University's name, and to take such other actions as deemed necessary or appropriate to implement the plans.

**SUBMITTED BY:** Theresa Elliot-Cheslek, Vice President and Chief Human Resource Officer; and Ann Monroe, HRS Benefits Director, Human Resource Services

**SUPPORTING INFORMATION:** The Board of Regents has authority pursuant to RCW 28B.10.400 through 28B.10.423, RCW 28B.30.095 and RCW 28B.30.150 to establish and govern the retirement plans for eligible employees. The Board of Regents adopted the WSURP, effective July 1, 1974. Several revisions have been made since that time, the most recent on January 1, 2012. The Board of Regents established a Washington State University Tax-Deferred Annuity Program January 1, 1983, now name the Washington State University Voluntary Investment Program, with the most recent plan document effective January 1, 2009.

Treasury Regulations require 403(b) plans to contain certain provisions. The IRS is providing a Remedial Amendment Period for employers to review and amend or restate their 403b plans, which for Washington State University are the Washington State University Retirement Plan (WSURP) and Voluntary Investment Plan (VIP). In addition, other regulatory changes have occurred, including the SECURE Act, Tax Cuts and Jobs Act, the HEART Act and Department of Retirement Systems Regulation Changes, which have been incorporated into the plan

documents. The proposed amendments and recommendations are tracked in the attached plan documents reflect the components and approved wording the IRS would expect to see in 403(b) plan documents.

The primary changes are highlighted below:

## **Washington State University Retirement Plan**

### **SECTION 2. DEFINITIONS**

Unless otherwise identified, amendments to definitions are in response to the Remedial Amendment Period and incorporate definitions the IRS expects to see in 403(b) plan documents. Due to additions and changes in this section, correspondingly the new terms are reflected throughout the document. Definitions will be in alignment with the VIP document, where applicable.

2.8 Compensation: Definition is being modified in order to be able to collect contributions from the majority of faculty pay types.

2.14 Eligible Employee: Removing (d), addressed in (a) of this section.

### **SECTION 3. ELIGIBILITY AND PARTICIPATION**

3.3 – prior version Retirees under WSRS Hired Into an Eligible Position: struck from the document, addressed in 2.14 of the document.

3.4 Enrollment in Plan and Failure to Make Elections: modified to reflect an enrollment can occur in various media/formats, and may not only be in hardcopy form.

### **SECTION 4. CONTRIBUTIONS**

4.2(a) Age 50 Catch-up Deferrals: additions are part of Remedial Amendment Period activity.

4.4 Limit on Compensation Taken into Account: reworded as part of Remedial Amendment Period activity.

4.5 Contribution Transmission: additions are part of Remedial Amendment Period activity.

4.6(b) Military Service: additions are part of Remedial Amendment Period activity.

4.12 Maximum Contribution: additions are part of Remedial Amendment Period activity.

### **SECTION 6. BENEFITS**

6.3 Minimum Distribution Requirements: subsections (b) and (c)(i) updated to reflect age requirement changes from 70 ½ to 72 due to the SECURE Act.

6.5 Rollover Distributions: additions are part of Remedial Amendment Period activity.

## Washington State University Voluntary Investment Plan

### SECTION 2. DEFINITIONS

Unless otherwise identified, amendments to definitions are in response to the Remedial Amendment Period and incorporate definitions the IRS expects to see in 403(b) plan documents. Due to additions and changes in this section, correspondingly the new terms are reflected throughout the document. Definitions will be in alignment with the WSURP document, where applicable.

### SECTION 3. ELIGIBILITY AND PARTICIPATION

3.1 Eligibility and Participation: changed to reflect that elections can be made in various formats, including electronic or hardcopy.

3.2 Revision to SRA: added to clarify changes can be made at any time.

3.3 Termination of Contributions: previous wording reflected termination of participation, where the topic is contributions.

### SECTION 4. VIP CONTRIBUTIONS

4 VIP Contributions: updates to this section incorporate the Roth Deferral option, which previously had been addressed in a January 1, 2010 amendment document. Additions and amendments reflect IRS preferred wording and information as part of Remedial Amendment Period activity.

4.1 Contributions to other Plans: deleted since it is an unnecessary section.  
prior version

### SECTION 5. FUND SPONSORS AND FUNDING VEHICLES

5.1 The Fund Sponsors and Funding Vehicles: clarification that WSU identifies the default investments if a participant does not make an election. Clarification that Plan terms are controlling over Funding Vehicle(s), if there is a conflict.

5.3 Fund Transfer: VIP document adjustments reflect alignment with the same topic in the WSURP document.

### SECTION 6. BENEFITS

6.2 Death Benefits: adjustments are part of Remedial Amendment Period activity.

- 6.3 Hardship Distributions: amendments incorporate the Tax Cuts and Jobs Act
  - 6.4 Minimum Distribution Requirements: amendments incorporate the SECURE Act and the preferred IRS language being addressed as part of Remedial Amendment Period activity.
  - 6.6 Loans: rewording to preferred IRS language as part of Remedial Amendment Period activity.
  - 6.7 Direct Rollover of Eligible Rollover Distributions: rewording to preferred IRS language as part of Remedial Amendment Period activity.
- SECTION 7. – GENERAL PROVISIONS AND LIMITATIONS REGARDING  
prior version BENEFITS  
This section has been moved to Section 8: Miscellaneous
- SECTION 8. MISCELLANEOUS
- 8.6 Mistaken Contributions of other Plan Failures: amendments to reflect preferred IRS language as part of Remedial Amendment Period activity.

ATTACHMENTS: Attachment A – WSURP 403(b) Redline Copy  
Attachment B - WSURP 403(b) Clean Copy  
Attachment C – WSU Voluntary Investment Program (VIP) Redline Copy  
Attachment D – WSU Voluntary Investment Program (VIP) Clean Copy

# Board of Regents

## Proposed Amendments to the Washington State University Retirement Plan and Washington State University Voluntary Investment Program

### Resolution #200313-623

WHEREAS, the Board of Regents has authority pursuant to RCW 28B.10.528 and RCW 28B.10.400, *et seq.*, to establish and govern retirement and annuity programs to faculty and other eligible staff of the University; and

WHEREAS, the Board of Regents has determined that the Washington State University Retirement Plan and the Voluntary Investment Program should be amended and restated in substantially the same form as the versions attached to the agenda item to incorporate state and federal regulatory changes including the SECURE Act, Tax Cuts and Job ACT, the HEART Act and Department of Retirement Systems regulation changes. Additionally, modifications and additions to the document should be reflective of IRS recommended 403(b) components and language, and responsive to the IRS Remedial Amendment Period.

NOW, THEREFORE, BE IT RESOLVED that the Washington State University Retirement Plan and the Voluntary Investment Program, each as amended and restated effective March 31, 2020, are approved and adopted in or substantially in the form presented at the March 13, 2020 meeting of the Board of Regents; and

The President or his designee(s) is authorized to make the changes in the Washington State University Retirement Plan and the Voluntary Investment Program, not substantially at variance with the document presented to this meeting, and to take such other actions deemed necessary or appropriate to implement the Plan and Program.

Dated this 13<sup>th</sup> day of March, 2020.

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Chair of the Board of Regents

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Secretary to the Board of Regents

WASHINGTON STATE UNIVERSITY RETIREMENT PLAN

RETIREMENT PLAN RULES

As Amended and Restated March 1, 2020 Effective January 1, 2012 March, 2020

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## SECTION 1. ESTABLISHMENT OF PLAN

The Washington State University (“WSU”) Board of Regents established the Washington State University Retirement Plan as of July 1, 1974. This plan document sets forth the provisions of the Plan, as amended through March, 2020 but with a general retroactive effective date of January 1, 2010 as provided for in Rev. Proc.2013-22, and effective as of January 1, 2012~~March XX, 2019~~. This plan is a governmental plan as defined in Code Section 414(d) and is intended to satisfy the provisions of Code Section 403(b).

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## SECTION 2. DEFINITIONS

The terms and phrases defined in this section have the following meanings throughout this Plan document.

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**2.1** Account means the account maintained for the benefit of any Participant or Beneficiary under a Funding Vehicle.

**2.2** Account Balance means the total benefit to which a Participant or a Beneficiary is entitled under all Funding Vehicles, taking into account all contributions made to the Funding Vehicle and all Earnings and expenses allocable to the Account, and any distributions made to the Participant or Beneficiary.

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**2.3** Annuity Contract means a nontransferable group or individual contract described in Code Section 403(b)(1) that is issued by a Fund Sponsor and that includes payment in the form of an annuity.

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~~2.1. 2.4~~ Accumulation Account means the separate account established for each Participant with a Fund Sponsor. The current value of a Participant’s Accumulation Account includes all Plan Contributions to the Fund Sponsor, less expense charges, and reflecting investment experience.

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~~2.2.~~ Annuity Contract means a nontransferable contract described in Code Section 403(b)(1) that is issued by a Fund Sponsor and that includes payment in the form of an annuity.

**2.45** Beneficiary means the person(s), including one or more trusts or other entities the Participant designates in writing, contingently or successively, to receive the Participant’s ~~Accumulation~~ Account (or remaining ~~Accumulation~~ Account) under the Plan in the event of the Participant’s death. If the Participant is married or remarries, or has a state registered domestic partner under RCW 26.60 et seq. (a “domestic partner”), the Participant’s designation (including a pre-existing designation in the case of remarriage) of someone other than the spouse ~~or domestic partner~~ as a primary Beneficiary requires the written consent of the spouse ~~or domestic partner~~. Any such consent must be witnessed by a notary public. Unless the consent expressly provides that the Participant may designate an additional Beneficiary or Beneficiaries without further consent of the spouse, the consent will be effective only with respect to the specific designation to which the consent relates. Spousal ~~or domestic partner~~ consent will be effective only with respect to that spouse ~~or domestic partner~~. Such consent will not be required if it is established to the satisfaction of the Plan Administrator that there is no spouse or that the spouse ~~or domestic partner~~ cannot be located. A Participant’s Beneficiary designation must be made on a form provided for this purpose by the Plan Administrator or by a Fund Sponsor and must be on

file with the Plan Administrator or Fund Sponsor. If a Participant fails to designate a Beneficiary, the Participant's ~~Accumulation~~-Account (or remaining ~~Accumulation~~-Account) remaining on the Participant's death) will be paid in the following order of priority: (a) to the Participant's surviving spouse, ~~or state registered domestic partner~~, and, if none; (b) to the Participant's surviving children and lineal descendants, by right of representation and not per capita, and, if none; (c) to the Participant's surviving parents, and, if none; (d) to the Participant's estate. For purposes of Sections 6.3 and 6.5, a Designated Beneficiary means as described in Treas. Reg. ~~Section~~ §1.401(a)(9)-4 and, as applicable and the context requires, an "Eligible Designated Beneficiary" under the Secure Act.

~~2.3.~~ **2.56 Board** means the Board of Regents of Washington State University.

~~2.4.~~ **2.67 Break in Service** means termination of all WSU employment and appointments for at least one (1) full day.

~~2.5.~~ **2.78 Code** means the Internal Revenue Code of 1986, as amended ~~(Title 26 of the United States Code).~~

**2.89 Compensation** for purposes of computation of Plan contributions means the amount paid by WSU to a Participant under the terms of his or her appointments, including summer and other extended appointments. Compensation shall be determined before taking into account any salary reduction under Code Sections 125, 132, 403(b) or 457(a). Compensation includes Post-Severance Compensation consisting of regular pay but excludes all other Post-Severance Compensation. Compensation shall not include, also excludes leave cash-out payments, any settlement, severance or tenure purchase payments, any amounts paid for teaching overloads, extra services, and royalties from intellectual property, deferred compensation, incentive compensation, supplemental compensation, and any other forms of additional compensation not included in the base salary. In the case of employees on contract, the contract may exclude additional items from Compensation. Notwithstanding the foregoing, for purposes of Code Section 415, the Annual Additions Limit testing under Section 4.10 under Section 4.12(b)(vi), Compensation means "Includible Compensation".

~~2.6. — as defined in Treas. Reg. § 1.403(b)-2(b)(11).~~

~~2.7.~~ **2.910 Custodial Account** means the group or individual custodial account or accounts described in Code Section 403(b)(7), to hold regulated investment company stock issued by a Fund Sponsor.

~~2.104~~ **Differential Wage Payment** means as defined in Code Section 3401(h).

~~2.8.~~ **2.11 Earnings** means the net income, gain or loss earned by an Account or with respect to a contribution or distribution, as the context requires.

**2.122 Election** means any Participant or Beneficiary written election (including made in electronic form) under the Plan and which is made on/in the form the Plan Administrator or the Fund Sponsor provides for this purpose. An Election must be made in the manner and

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within the time period the Plan, the Plan Administrator, or the Fund Sponsor prescribe, and as is consistent with Code Section 403(b) or other applicable law.

**2.133** Elective Deferral means a Participant's pre-tax deferrals which WSU contributes to the Participant's Account at the Participant's Election in lieu of the Participant receiving cash compensation. A Mandatory Contribution is not an Elective Deferral.

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**2.9. 2.145** Eligible Employee means any Employee of WSU who is employed in an Eligible Position; ~~provided; however, that an~~ Employee is not an Eligible Employee if the Employee:

(a) ~~was was~~ first ~~hired hired by~~ -WSU on or after July 1, 2011, and who within thirty (30) days ~~of hire after employment commencement~~ made an irrevocable Election to participate in a WSRS plan as identified in RCW 41.32 or RCW 41.40 (including an Election under Section 3.2(b));

~~(a)(b)~~ ~~has retired from WSU~~ having been a Participant in the Plan, has retired from WSU as described in and in accordance with the policies and guidelines established by the Plan Administrator and then in effect; or

(c) ~~was first hired by was hired by~~ -WSU on or after July 1, 2011, and as described in RCW 28B.10.400(2), is eligible for normal retirement or has taken (drawing benefits under) normal or early retirement under a WSRS plan as identified in RCW 41.50.030 is eligible to retire or has retired under a WSRS plan as identified in RCW 41.50.030, as described in RCW 28B.10.400(2); or,

~~(b) was hired by WSU on or after July 1, 2011, and who made an irrevocable Election (including an Election under Section 3.2(c)) to participate in a PERS or TRS plan.~~

**2.10. 2.156** Eligible Position means a WSU faculty, ~~or~~ administrative professional staff, or coach position in which the Employee has at least fifty (50%) percent full-time equivalency in at least one (1) semester of each Plan Year or equivalent period, but does not include Agricultural Extension Service employees on a federal appointment or persons rendering a professional service on a fee, retainer, or special contract basis, or as an incident to the private practice of a profession. Classified positions prior to April 26, 1973, and administrative professional positions prior to April 26, 1973, or after September 30, 1992, are Eligible Positions, provided the Employees holding such positions did not elect to participate in or transfer to PERS prior to January 1, 1974. A civil service position held by a Participant as described in Section 3.1(e) and 3.2(d) is an Eligible Position. An Eligible Employee, once having begun participation in this Plan, shall be deemed to be employed in an Eligible Position even if his or her position no longer requires at least fifty (50%) percent full-time equivalence, so long as the position otherwise qualifies as an Eligible Position.

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**2.167** Employee means each individual who is a common law employee of the State of Washington performing services for WSU, including an individual who is appointed or elected. ~~This definition is not applicable unless the Employee's compensation for performing services for WSU is paid by the State of Washington. Further, a person occupying an elective or appointive~~

public office is not an Employee unless such office is one to which an individual is elected or appointed only if the individual has received training, or is experienced, in the field of education. A public office includes any elective or appointive office of the State of Washington. An individual receiving a Differential Wage Payment from WSU is treated as a WSU Employee.

**2.17 Employment Commencement Date** means the date on which the Employee first performs Service for WSU. References in the Plan to "hire date" mean the Employment Commencement Date. The Re-Employment Commencement Date means the date on which the Employee first performs Service for WSU after WSU re-hires the Employee.

**2.18 Fund Sponsor** means an insurance, variable annuity, or investment company that provides Funding Vehicles available to Participants under this Plan.

**2.19 Funding Vehicles** means the Annuity Contracts and Custodial Accounts available for investing contributions under this Plan, as specifically approved by WSU under Section 5.1.

**2.20 Includible Compensation** means an Employee's compensation received from the Employer that is includible in the Participant's gross income for Federal income tax purposes (computed without regard to Code Section 911 relating to United States citizens or residents living abroad), including Differential Wage Payments, for the most recent period that is a Year of 403(b) Service. ~~Includible Compensation also includes~~ Includible Compensation also includes any Elective Deferral or other amount contributed or deferred by the Employer at the election of the Employee that would be includible in the Employee's gross income but for the rules of Code Sections 125, 132(f)(4), 402(e)(2), 402(h)(1)(B), 402(k), or 457(b). Includible Compensation does not include any Compensation other than Post-Severance Compensation, paid after Severance of Employment. The amount of Includible Compensation is determined without regard to any community property laws. Except as provided in Treas. Reg. Section 1.401(a)(17)-1(d)(4)(ii) with respect to eligible participants in governmental plans, the amount of Includible Compensation of any Participant taken into account in determining contributions will not exceed \$285,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B) for periods after 2020.

**2.21 IRA** means ~~means~~ an individual retirement account under Code Section 408(a) or an individual retirement annuity under Code Section 408(b).

**2.22 IRS** means the Internal Revenue Service.

**2.23 Mandatory Contribution** means a mandatory pre-tax contribution by a Participant which the Participant agrees to make as a condition of employment by WSU. All contributions to the Plan made from a Participant's Compensation, except Elective Deferrals, are Mandatory Contributions.

**2.24 Matching Contribution** means a WSU funded contribution made with respect to a Participant's Elective Deferrals.

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had continued in employment with WSU and only to the extent that the payment is includible in the Participant's gross income.

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~~2.17. 2.30~~ ~~PERS means the Washington Public Employees' Retirement System under RCW 41.40.~~ ~~2.331~~ **Qualified Military Service** means as defined in Code Section 414(u)(5). Notwithstanding any provision in the Plan to the contrary, as to Qualified Military Service, the Plan will credit Service, the Employer will make Plan Contributions, and the Plan will provide benefits in accordance with Code Section 414(u).

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**2.343 Related Employer** means WSU and any other entity that is related to WSU under Code Sections 414(b), (c), (m) or (o). WSU will determine which entities are Related Employers based on a reasonable, good faith standard and taking into account the special rules applicable under IRS Notice 89-23.

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**2.35 SECURE Act** means the Setting Up Every Community for Retirement Enhancement Act of 2019.

**2.365 Service** means any period of time the Employee is in the employ of WSU, including any period the Employee is on an unpaid leave of absence authorized by WSU under a uniform policy applicable to all Employees.

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**2.3647 Severance from Employment** or "Separation from Service" occurs when an Employee ceases to be employed by WSU or a Related Employer that is eligible to maintain a section 403(b) Plan under Treas. Reg. Section 1.403(b)-2(b)(8), even if the Employee remains employed with another entity that is a Related Employer where either: (a) such Related Employer is not an eligible employer; or (b) the Employee is employed or in a capacity that is not employment with an eligible employer.

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**2.38 Spouse** means the person to whom the Participant is legally married and for this Plan also includes a registered domestic partner under RCW 26.60 et seq or other applicable law.

**2.389 Taxable Year** means the taxable year of a Participant.

~~2.340975~~ **TRS** means the Washington State Teachers' Retirement System under RCW ~~41.32~~.

~~2.410386~~ **Unbroken Service** means Service as an Employee without a Break in Service.

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~~2.424~~ **USERRA** means the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

~~2.432~~ ~~3937~~ **WSU** means Washington State University.

~~2.443038~~ **Washington State Retirement System (WSRS)** means any retirement system paid for by the State of Washington and administered by the Washington State Department of Retirement Systems, as identified in RCW 41.50.030.

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~~2.454391~~ **Year of 403(b) Service** means for purposes of determining Includible Compensation, each full year during which an individual is a full-time Employee, plus fractional credit for each part of a year during which the individual is either a full-time Employee of the Employer for a part of a year or a part-time Employee of the Employer, determined under Treas. Reg. Section 1.403(b)-4(e). An Employee's number of Years of 403(b) Service equals the aggregate of such years or parts of years. The work period is the Employer's annual work period.

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### SECTION 3. ELIGIBILITY AND PARTICIPATION

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#### 3.1. 3.1 Participation for Employees ~~Hired~~ **Hired** Before January 1, 2012.

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(a) ~~Two (2)-Year Voluntary Contribution Elective Deferral Period.~~ An Eligible Employee may become a Participant as of the date of his or her employment in an Eligible Position or any time during the first two (2) years of employment by submitting an Election to the Plan Administrator ~~to make Elective Deferrals.~~ A Participant during the first two (2) years of employment also may make an Election to: (i) change the amount of their ~~Elective Deferral contribution;~~ (ii) revoke their Election to make ~~Elective Deferral contributions;~~ or (iii) re-elect to make ~~contributions Elective Deferrals~~ after having revoked a prior Election. Any ~~Elective Deferral Election~~ submitted to the Plan Administrator will become effective as of the first ~~(1st) day of any pay period following receipt to which the Plan Administrator reasonably may apply the Election administratively practicable payroll date or payroll period on or following the Plan Administrator's actual receipt of the Election.~~ The provisions of this Section 3.1(a) apply notwithstanding any contrary provision in Section 4.1.

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(b) ~~Mandatory Contributions After Two (2) Years.~~ An Eligible Employee must become a Participant and begin making ~~Mandatory C~~ontributions no later than the second (2nd) anniversary of his or her date of employment in an Eligible Position. Once having begun ~~participation~~ in this Plan, a Participant cannot cease participation while employed in an Eligible Position, except as provided below.

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(c) ~~Reclassification or Appointment to Eligible Position.~~ An existing ~~WSU E~~mployee who is ~~then~~ a participant in a WSRS plan and who is reclassified or appointed to an Eligible Position may ~~irrevocably make an irrevocable E~~lection to become a Participant in this Plan or remain in the WSRS plan by making such Election ~~in writing~~ within ninety (90) days of being notified of reclassification or appointment to an Eligible Position. If no timely Election is made, the ~~Participant Employee~~ will remain in the WSRS plan. Such Election may be made only once in an ~~individual Employee's~~ ~~Unbroken S~~ervice to WSU, and such Election shall be irrevocable, except as identified in Section 3.1(c)(i). ~~For this purpose, "unbroken service" means service without a Break in Service.~~

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(i) ~~Reclassification or Appointment to a Different Eligible Position Classification.~~ An ~~E~~mployee who under Sections 3.1(c) or 3.1(d) was offered ~~the option to an E~~lection to become a ~~member Participant~~ in this Plan or remain as a participant in a WSRS plan, and who on or after July 1, 2011, is reclassified or

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appointed to an Eligible Position in an employment type not previously held, will be offered a new Election opportunity to stay in their current retirement plan or elect to enroll in this Plan or the applicable WSRS plan. For purposes of this section, "employment type" means an eligible faculty, ~~or~~ administrative professional or coach classification.

(d) New Employee Participating in WSRS Plan. ~~A new WSU employee who is a~~ participant in a WSRS plan who leaves their former employer and immediately commences employment with WSU (no work days missed) and who transfers to WSU without a Break in Service in into an Eligible Position, may make an irrevocable irrevocably Election to become a Participant in this Plan or remain in the WSRS plan, (provided that such plan is offered at WSU and such Election to remain is permitted by the Department of Retirement Systems), by making such Election ~~in writing~~ within thirty (30) days ~~upon being hired into after commencing employment in~~ an Eligible Position. If no timely Election is made, the ~~Participant-Employee~~ will immediately begin participation in this Plan. Such Election may be made only once in an ~~individual~~ Employee's Unbroken Service to WSU, and such Election shall be irrevocable, except as identified in Section 3.1(c)(i). ~~For this purpose, "unbroken service" means service without a Break in Service.~~

(e) Participants Reclassified or Appointed to Civil Service.

(i) Reclassification or Appointment Prior to January 1, 2012. A Participant in this Plan who prior to January 1, 2012, ~~is was~~ reclassified or appointed to a civil service position will remain a Participant in the WSURP, provided there is no Break in Service. If an Eligible Employee has not reached the second (2nd) anniversary of his or her date of employment in an Eligible Position, and has not made an Election to become a Participant, the ~~E~~mployee will be enrolled in a WSRS plan.

(ii) Reclassification or Appointment After December 31, 2011. A Participant in this Plan who after December 31, 2011, is reclassified or appointed to a civil service position, may make an Election to participate in a WSRS plan or remain in this Plan as specified in the policies adopted by the Plan Administrator and then in effect.

### 3.2 Participation for Employees Hired ~~Hired~~ On and After January 1, 2012.

~~(a)~~ Immediate Mandatory Contributions. Unless they make an Election under this Section 3 to participate in a WSRS plan, Aan Eligible Employee who is hired into an Eligible Position immediately will become a Participant in the Plan effective as of ~~the~~ date of hire Employment Commencement Date and is subject to making the Mandatory Contributions described in Section 4.1.

~~(e)~~ (b) New WSU Employee Never a Member in a WSRS Plan. An otherwise Eligible Employee who has never been a member of a WSRS plan who is hired into an

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Eligible Position within thirty (30) days thereafter may make an Election to participate either: (i) in this Plan; ~~or~~ (ii) in TRS Plan 3 if employed in an eligible faculty position; or (iii) in PERS Plan 3 if employed in an eligible administrative professional position. If the employee elects to participate in TRS 3 or PERS 3, the Employee is not an Eligible Employee in accordance with Section 2.140(a). If no timely Election is made, the Eligible Employee will become a Participant in this Plan.

~~(b)~~ (c) New WSU Employee Currently or Formerly a Member in a WSRS Plan. An otherwise Eligible Employee who is or was a member of a WSRS plan and who is hired into an Eligible Position within thirty (30) days thereafter and who is or was a member of a WSRS plan may make an Election to participate either in this Plan or in a PERS or TRS plan as specified in the policies adopted by the Plan Administrator. If the Employee elects to participate in a PERS or TRS plan, the employee is not an Eligible Employee in accordance with Section 2.150(d). If no timely Election is made, the Eligible Employee will become a Participant in this Plan.

~~(c)~~ (d) WSU Employee Who is Reclassified or Appointed to or from an Eligible Position. A WSU employee who is: (i) a participant in a WSRS plan who is reclassified or appointed to an Eligible Position; or (ii) a Participant in this Plan who is reclassified or appointed to a position that qualifies for participation in a WSRS plan, within thirty (30) days thereafter, may make an irrevocable Election to participate in this Plan or a WSRS plan as specified in the policies adopted by the Plan Administrator, provided the employee is an Eligible Employee in accordance with Section 2.140.

~~3.2.~~ **3.3 No Simultaneous Participation.** A Participant may not contribute under both this Plan and a WSRS plan at the same time; provided that this Section 3.3 does not limit participation in a plan established pursuant to RCW 28B.10.480 or RCW 41.50.770.

~~3.3.~~ ~~3.4 Retirees Under WSRS Hired Into an Eligible Position. Those employees who have retired under any WSRS plan or who are eligible for regular retirement under any WSRS plan and who are rehired into an Eligible Position cannot participate will immediately begin participation in the Plan, except as provided in Section 2.10(e).~~

~~3.4.~~ **3.45 Enrollment in Plan and Failure to Make Elections.** An Eligible Employee must make their Election in the form/format as provided by the Plan Administrator ~~complete and return to the Plan Administrator the appropriate Election forms. Forms for the Fund Sponsors and for the Funding Vehicles selectioned must be made with returned to the Fund Sponsor(s) or as directed by the Plan Administrator.~~ Failure to submit Elections will not delay participation in the Plan and may result in the application of Funding Vehicle default provisions, each in accordance with the Plan terms.

~~3.5.~~ **3.56 Cessation Termination of Contributions Participation.** All Plan Contributions by and as to a Participant will cease ~~a participant's participation in the Plan will cease if:~~

~~(a)~~ (a) The Participant ceases to be an Eligible Employee; He or she separates from Service with WSU and all Related Employers; or

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(iv) Limitations. Contributions under this Section 4.6(b) are Annual Additions under Section 4.12(b) and are subject to the Elective Deferral Limit under Section 4.12(a) in the year to which such contributions are allocated, but not in the year in which such contributions are made.

(v) Differential Wage Payments. The Plan is not treated as failing to meet the requirements of any provision described in this Section 4.6(b) by reason of any contribution or benefit which is based on a Differential Wage Payment. The preceding sentence applies only if all Employees performing service in the uniformed services described in Code § Code Section 3401(h)(2)(A) are entitled to receive Differential Wage Payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the Employer, to make contributions based on the payments on reasonably equivalent terms (taking into account Code §§ Code Sections 410(b)(3), (4), and (5)). The Plan Administrator operationally may determine, for purposes of any provision described in this Section 4.6(b), whether to take into account any Elective Deferrals, and if applicable, any Matching Contributions, attributable to Differential Wage Payments.

(vi) No Earnings. A Participant receiving any make-up contribution under this Section 4.6(b) is not entitled to an allocation of any Earnings on any such contribution prior to the time that WSU actually makes the contribution (or timely deposits the Participant's own make-up Elective Deferrals or Mandatory Contributions) to the Plan.

(vii) HEART Act Death Benefits. If a Participant dies while performing Qualified Military Service, the Participant's Beneficiary is entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the Plan as if the Participant had resumed employment and then terminated employment on account of death.

~~(b)~~

~~(e)~~ (c) Leave of Absence Without Pay. A Participant who returns to employment with WSU immediately following an authorized leave of absence without pay, other than an absence described in Section 4.54(b), and who remains employed by WSU for at least two (2) years after such return, will receive credit for the leave period to be used in the computation of benefits as described in RCW 28B.10.407, not to exceed a maximum of two (2) years' credit, provided: (i) the Participant is eligible for such benefits; and (ii) makes the contributions described in this Section 4.54(c). The Participant must contribute the total amount that the Participant would have been contributed had the Participant not been on leave

-(including any amount WSU would have contributed) less any contributions under Sections 4.64(a) or (b) with respect to the same leave. The contributions under this Section 4.64(c) will be based on the average of the Participant's Compensation at the time the leave of absence was authorized and the time the Participant resumes employment with WSU. WSU will not ~~make Matching Contributions or Nonelective Contributions with respect to~~ such contributions. The Participant may not make the contributions until they have satisfied the two (2) year post-leave service condition

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described above, and the Participant must make the contributions no later than the end of the fifth (5th) year after returning from the leave.

~~4.3. 4.76 Rollovers or Transfers to the Plan. The Plan does not accept rollovers or transfers from other plans, accounts, or annuities to the Plan will not be accepted.~~

~~4.4. 4.87 Allocation of Plan Contributions. As further described in Section 5.1, a Participant may allocate Plan Contributions to Funding Vehicles while assuming the sole responsibility for the investment performance of his or her chosen Funding Vehicles.~~

~~4.898 Vesting of Contributions. Each contract and certificate issued in accordance with the provisions of the Plan is the property of the Participant. Amounts attributable to Plan Contributions by the Participant and WSU are immediately vested and shall be nonforfeitable, subject to Section 98.7. However, Plan Contributions based on a mistake of fact, shall be returned to WSU if WSU so requests as provided in Section 9.7(a) XXX.~~

~~4.5. 4.9109 Account Statement. At least once a year, and more often as may be required by applicable law, the Fund Sponsor(s) will send each Participant a report summarizing the status of his or her Accumulation Account(s). A Participant may obtain similar reports or illustrations upon Separation from Service termination of employment or at any other time by writing directly to the Fund Sponsor(s).~~

~~4.6. 4.1010 No Reversion. Under no circumstances will any Plan Contributions revert to, be paid to, or inure to the benefit of, directly or indirectly, WSU, except as provided in Section 4.7 and the second sentence of Section 898.7(a).~~

~~4.1121 Maximum Contribution-. Plan Contributions for a Participant for any calendar year, together with contributions for the Participant under any other plan subject to Code Sections 402(g) or 403(b), shall not exceed the Elective Deferral Limit and the Annual Additions Limit limitations in Code Sections 402(g) and 415(e), to the extent applicable, except as permitted by Code Section 414(v) as to age 50 Catch-up Deferrals. The limitations of Code Sections 402(g), 414(v) and 415(e) are herein incorporated by reference. See Section 8.7 as to correction of contributions which exceed these limitations.~~

~~(a) Annual Elective Deferral Limitation. A Participant's Elective Deferrals for a Taxable Year may not exceed the Elective Deferral Limit. Age 50 Catch-up Deferrals are not subject to the Elective Deferral Limit.~~

~~(i) Definition of Elective Deferral Limit. The Elective Deferral Limit is the Code Section 402(g) limitation on each Participant's Elective Deferrals for each Taxable Year. The Elective Deferral Limit is \$19,500 in 2020, and in future years is subject to adjustment by the IRS in multiples of \$500 under Code Section 402(g)(4). However, in no event shall a Participant's Elective Deferrals exceed the Participant's Compensation for the Taxable Year. If the Participant's Taxable Year is not a calendar year, the Plan Administrator must apply the Code Section 402(g)~~

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limitation in effect for the calendar year in which the Participant's Taxable Year begins.

(ii) Definition of Excess Deferral. A Participant's Excess Deferral is the amount of Elective Deferrals for a Taxable Year which exceeds the Elective Deferral Limit.

(iii) Suspension after Reaching Limit. If the Plan Administrator determines a Participant's Elective Deferrals to the Plan for a Taxable Year would exceed the Elective Deferral Limit, the Plan Administrator will suspend the Participant's Elective Deferrals, if any, until the following January 1 and will pay to the Participant in cash the portion of the Elective Deferrals which would result in the Participant's Elective Deferrals for the Taxable Year exceeding the Elective Deferral Limit.

(iv) Correction. If the Plan Administrator determines a Participant's Elective Deferrals already contributed to the Plan for a Taxable Year exceed the Elective Deferral Limit, the Plan Administrator will distribute the Excess Deferrals as adjusted for Allocable Income, no later than April 15 of the following Taxable Year (or if later, the date permitted under Code Sections 7503 or 7508A).

(v) 415 Interaction. If the Plan Administrator distributes the Excess Deferrals by the April 15 deadline under Section 4.121(a)(iv), the Excess Deferrals are not an Annual Addition under Section 4.112(b), and the Plan Administrator may make the distribution irrespective of any other provision under this Plan or under the Code. Elective Deferrals distributed to a Participant as an Excess Amount in accordance with Section 4.112(b) are not taken into account in determining the Participant's Elective Deferral Limit.

(vi) More than One Plan. If a Participant participates in another plan subject to the Code Section 402(g) limitation under which the Participant makes elective deferrals pursuant to a 401(k) Plan, elective deferrals under a SARSEP, elective contributions under a SIMPLE IRA or salary reduction contributions to a 403(b) plan (irrespective of whether WSU maintains the other plan), the Participant may provide to the Plan Administrator a written claim for Excess Deferrals made to the Plan for a Taxable Year. The Participant must submit the claim no later than the March 1 following the close of the particular Taxable Year and the claim must specify the amount of the Participant's Elective Deferrals under this Plan which are Excess Deferrals. The Plan Administrator may require the Participant to provide reasonable evidence of the existence of and the amount of the Participant's Excess Deferrals. If the Plan Administrator receives a timely claim which it approves, the Plan Administrator will distribute the Excess Deferrals as adjusted for Allocable Income the Participant has assigned to this Plan, under this Section 4.121(a)(vi). If a Participant has Excess Deferrals because of making Elective Deferrals to this Plan and other WSU plans (but where the Elective Deferral Limit is not exceeded based on the Participant's Elective Deferrals to any single plan), the Participant for purposes of this Section

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be understood by the average Participant and informs Participants of their responsibility to provide information to the Plan Administrator that is necessary to satisfy this Section. The notice will advise Participants that the application of the limitations in this Section will take into account information supplied by the Participant and that failure to provide necessary and correct information to the Plan Administrator could result in adverse tax consequences to the Participant, including the inability to exclude contributions to the Plan under Code Section 403(b). The notice will be provided annually, beginning no later than the year in which the Employee becomes a Participant.

(iv) Ordering Rules. If a Participant's Annual Additions under this Plan and any other plans aggregated with the Plan under this Section 4.121(b) result in an Excess Amount, such Excess Amount will consist of the Amounts last allocated. If the Plan Administrator allocates an Excess Amount to a Participant on an allocation date of this Plan which coincides with an allocation date of another plan, the Excess Amount attributed to this Plan will equal the product of: (1) the total Excess Amount allocated as of such date, multiplied by (2) the ratio of (a) the Annual Additions allocated to the Participant as of such date for the Limitation Year under the Plan to (b) the total Annual Additions allocated to the Participant as of such date for the Limitation Year under this Plan and the other aggregated plans.

(v) Definition of Annual Addition. An Annual Addition means the Plan Contributions credited to a Participant's Account under this Plan and employer contributions, elective deferrals, employee contributions, mandatory contributions, allocations under a simplified employee pension plan and forfeitures credited to any other plan aggregated with the Plan under this Section 4.121(b); provided that Age 50 Catch-up Contributions, distributed Excess Deferrals under Section 4.121(a)(v) and certain other amounts described in Treas. Reg. Section 1.415(c)-1(b) are excluded. For purposes of the dollar limitation under Section 4.121(b)(vi), Annual Additions also include amounts allocated to an individual medical account (as defined in Code Section 415(l)(2)) included as part of a pension or annuity plan maintained by WSU and contributions paid or accrued attributable to post-retirement medical benefits allocated to the separate account of a key-employee (as defined in Code Section 419A(d)(3)) under a WSU welfare benefit fund (as defined in Code Section 419(e)).

(vi) Definition of Annual Additions Limit. The Annual Additions Limit is the lesser of: (i) \$57,000 in 2020 and as adjusted in future Limitation Years under Code Section 415(d), or (ii) 100% of the Participant's Compensation for the Limitation Year.

(vii) Definition of Excess Amount. An Excess Amount is an excess of a Participant's Annual Additions for a Limitation Year over the Annual Additions Limit.

(viii) Definition of Limitation Year. The Limitation Year means the

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calendar year. However, if the Participant is in control of an employer under Section 4.121(b)(iii), the Limitation Year is the Limitation Year as defined in the defined contribution plan controlled by the Participant.

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(ix) Correction of Excess Amount. If a Participant's Account exceeds the Annual Additions Limit for the Limitation Year, then the Plan may correct such excess in accordance with Section 9.7(b). Alternatively, the Plan Administrator may hold the Excess Amount in a separate account. The Excess Amount held in the separate account is includible in the Participant's gross income or the taxable year in which the Plan Contributions exceed the Annual Additions Limit. This separate account will be treated as a separate contract to which Code Section 403(c) (or another application provision of the Code) applies. Amounts in the separate account may be distributed at any time, notwithstanding any other provisions of the Plan.

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~~4.7. If the limitations are exceeded because the Participant is also participating in another plan required to be aggregated with this Plan for the purposes of Code Sections 402(g), 414(v) or 415, and such other plan is maintained by WSU or a Related Employer, then the extent to which annual contributions under this Plan will be reduced, as compared with the extent to which annual benefits or contributions under any other plans will be reduced, will be determined by WSU. If the reduction is under this Plan, WSU will advise the affected Participant of any limitations on his or her Plan Contributions required by this Section 4.10.~~

## **SECTION 5. FUND SPONSORS AND FUNDING VEHICLES**

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~~5.1. 5.1 The Fund Sponsors and Funding Vehicles.~~ Participants and Beneficiaries may invest all Plan Contributions made to their ~~Accumulation~~ Account in one or more Funding Vehicles made available by WSU to Participants and Beneficiaries under this Plan and in accordance with any applicable law restricting investments by Participants not residing in the United States. A Participant or Beneficiary may allocate Plan Contributions among Funding Vehicles in any whole number percentages totaling one hundred percent (100%). Participants and Beneficiaries are solely responsible for the investment of their Account. If a Participant or Beneficiary fails to direct the investments of his or her ~~Accumulation~~ Account, the Account will be invested in a Funding Vehicle selected by WSU for such non-directing Participants and Beneficiaries. WSU's current choice of Fund Sponsor(s) and Funding Vehicles is not intended to limit future additions or deletions by WSU of Fund Sponsors and Funding Vehicles. The Plan Administrator shall maintain a list of all Fund Sponsors under the Plan. Such list is hereby incorporated as part of the Plan. The Fund Sponsor(s) and WSU shall exchange such information as may be necessary to satisfy Code Section 403(b) or other requirements of applicable law. In the case of a Fund Sponsor that is not eligible to receive Plan Contributions (including a Fund Sponsor that has ceased to be a Fund Sponsor eligible to receive Plan Contributions), WSU shall keep the Fund Sponsor informed of the name and contact information of the Plan Administrator in order to coordinate information necessary to satisfy Code Section 403(b) or other requirements of applicable law. In the event that the Plan terms and the Funding Vehicles are in conflict, the Plan terms are controlling; provided that as to the timing or form of any Plan distribution, such timing or form must be permitted under the Funding Vehicles as well as under the Plan.

~~5.2.~~ **5.2 Funding Vehicle Exchange-Transfer of Funds.** A Participant may exchange ~~may transfer~~ all or a part of his or her ~~Accumulation~~ Account between Funding Vehicles offered by a Plan Sponsor, subject to Fund Sponsor and/or Funding Vehicle contractual requirements, and to Code Section 403(b) and the regulations thereunder. However, an investment exchange to ~~transfer that includes~~ an investment with a Fund Sponsor that is not eligible to receive Plan ~~Ce~~ contributions under Section 5.1 is not permitted.

~~5.3.~~ **5.3 Third Party Trading.** The Participant, or his or her Beneficiary in the event of the Participant's death, is responsible for directing all funds invested under this Plan, and cannot assign that responsibility to another party, except that a Participant or Beneficiary may assign that responsibility in writing to a third party that has been given a power of attorney, and investment directions may be given by the legal representative of a Participant or Beneficiary who is under a legal disability. Any investment direction under this Section 5.23 must be given in accordance with applicable law and any reasonable Plan Administrator or Fund Sponsor requirements.

## **SECTION 6. RETIREMENT**

~~6.1.~~ **6.1 Retirement Because of Age.** As of the day after attaining Retirement Age or otherwise eligible to draw a lifetime annuity benefit from the Plan under Section 403(b) of the Internal Revenue Code, a Participant who is actively employed by WSU may elect to retire by submitting written notification to his or her superior with a copy to Human Resource Services.

~~6.2.~~ **6.2 Retirement Because of Health Condition.** A retirement because of health condition may be approved by the President of WSU in the event a Participant has a serious health condition that prevents him or her from performing the duties of his or her Eligible Position. Any request for retirement and supplemental payments because of health is submitted in writing to the Human Resource Services Benefits Director, who will convene a review of the request, and will presents its recommendations to the President.

## **SECTION 6.7. BENEFITS**

### **6.7.1 Benefits During Life.**

(a) **Timing.** A Participant may make an Election to commence distribution of his or her ~~Accumulation~~ Account upon or following Separation from Service ~~from WSU~~ and at such other times (or upon such events) as the applicable Funding Vehicles and the Plan may permit; provided that such times and events are permissible under Code Section 403(b) and the regulations thereunder.

(i) **In-Service Distribution at Age 59½ with Phased Retirement.** A Participant who has elected phased retirement under applicable WSU procedures may commence distribution after reaching age 59½ even though the Participant has not incurred a Separation ~~ed~~ from Service ~~from WSU~~.

(ii) **No Other In-Service Distributions.** The Plan does not permit any other distributions prior to a Participant's Separation from Service from WSU.

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(b) Form. A Participant may receive distribution of his or her ~~Accumulation~~ Account in the form of cash, payable either as a lump sum or in installment payments, or in the form of an annuity contract under which the Fund Sponsor will make payments to the Participant (and possibly to a Beneficiary), all in accordance with the payment options as authorized by the Fund Sponsor(s) and Funding Vehicles; provided that such payment options are consistent with the Plan and are permissible under Code Sections 403(b), 401(a)(9) and the regulations thereunder. The total amount of the annuity or other payment is calculated by the Fund Sponsors(s) on the rate and dividend basis then in effect and payments shall be made to the extent provided by the form of annuity.

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(c) Participant Election. A Participant may make Elections as to time and form of payment of benefits under this Section 6.1 at such times and in the manner required by the Plan Administrator and Fund Sponsor(s), provided such elections are consistent with Code Section 403(b) and the regulations thereunder. All lifetime benefits are further subject to the required minimum distribution requirements of Section 6.3. A Participant will make such Elections directly to the Fund Sponsor(s).

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(d) ~~Spousal or Domestic Partner Consent Required~~. Effective on and following the execution of this Plan, a married A-Participant's Election to withdraw all or lump sum payment of any portion of his or her Accumulation Account requires the written consent of the Participant's spouse, or state registered domestic partner under RCW 26.60 et seq. (a "domestic partner").

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(i) Form of Spousal or Domestic Partner Consent. The consent of the spouse ~~or domestic partner~~ must be in writing, must acknowledge the effect of the ~~e~~Election or action to which the consent applies, and must be witnessed by a notary public. Unless the consent expressly provides that the Participant may make further elections without further consent of the spouse ~~or domestic partner~~, the consent will be effective only with respect to the specific ~~e~~Election to which the consent relates. Spousal ~~or domestic partner~~ consent will be effective only with respect to that spouse ~~or domestic partner~~. Spousal Such consent will not be required if it is established to the satisfaction of the Plan Administrator WSU Human Resource Services that there is no spouse or that the spouse or domestic partner cannot be located.

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~~6.2.~~ 6.2 Death Benefits. On the death of a Participant, the entire value of ~~each the Participant's Accumulation Account~~ (or of the remaining ~~Accumulation Account~~) is payable to the Participant's Beneficiary or Beneficiaries. The Beneficiary may make an Election as to the time and form of payment under any payment option available under the Funding Vehicles, provided such payment options are consistent with Code Sections 403(b), 401(a)(9) and the regulations thereunder. A Beneficiary will make such Elections directly to the Fund Sponsor(s). However, to the extent that the ~~Accumulation Account~~ has previously been applied to purchase an annuity, payments shall be made only if and to the extent provided by the form of annuity. All death benefits are further subject to the required minimum distribution requirements of Section 6.3.

**6.3. 67.3 Minimum Distribution Requirements**

(a) Applicable Law. All distributions under this Plan will be made in accordance with Code Sections 403(b)(10) and 401(a)(9), as each is amended and in effect from time to time, and regulations thereunder. Notwithstanding anything to the contrary in this Section 7.3, required minimum distributions are subject to changes made under the SECURE Act and any regulations or other binding guidance issued thereunder.

(b) Lifetime Required Minimum Distributions. For Participants who reached-attained age 70½ in 2019 or earlier prior to January 1, 2020, the Participant must receive distribution or commence distribution of his or her ~~Accumulation~~-Account no later than April 1 following the calendar year in which the Participant attains age 70½ or, if later, April 1 following the calendar year in which the Participant ~~S~~separates from ~~S~~service ~~from WSU~~. For Participants who reach-attain age 70 ½ in 2020 or later, required minimum distributions must begin no later than April 1 of the calendar year following the calendar year in which the Participant attains age 72, or, if later, by April 1 following the calendar year in which the Participant retires-Separates from Servicefrom the WSU. The annual lifetime minimum distribution amount will be calculated in accordance with Treas. Reg. §§1.401(a)(9)-2 and 1.401(a)(9)-5. The entire ~~Accumulation~~-Account of each Participant will be distributed over a period not to exceed the life (or life expectancy) of the Participant or over the lives (or life expectancies) of the Participant and Designated Beneficiary. Notwithstanding the above, the ~~Accumulation~~-Account for each Participant as of December 31, 1986, will be distributed in accordance with Treas. Reg. Section §1.403(b)-6(e)(6).

(c) Death Required Minimum Distributions. The annual death minimum distribution amount will be calculated in accordance with Treas. Reg. §§1.401(a)(9)-3 and 1.401(a)(9)-5.

(i) Death Before the Required Beginning Date. Prior to January 1, 2020, If the Participant dies prior to January 1, 2020 and before benefit payments are required to begin under Section 6.3(b), any benefits payable to a Designated Beneficiary will be paid, as the Designated Beneficiary elects: (a) by December 31 of the calendar year which contains the fifth (5th) anniversary of the Participant's death; or (b) ~~will be paid~~, beginning no later than December 31 of the calendar year following the calendar year of the Participant's death, over a period not exceeding the life expectancy of the Designated Beneficiary. If the Designated Beneficiary is the surviving spouse, payment may be delayed until the date the Participant would have attained age 70½.

As of January 1, 2020, if the Participant dies in 2020 or later and before benefit payments are required to begin under Section 6.3(b), the preceding paragraph, any benefits payable to (or for the benefit of) a Designated Beneficiary will be paid, as the Designated Beneficiary elects: (c) by the end of the tenth (10th) full calendar year after the Participant's death; or (d) will be paid beginning no later than the end of the first (1st) full calendar year after the Participant's death over the life of the designated Beneficiary or over a period not

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exceeding the life expectancy of the designated Beneficiary. If the Designated Beneficiary is the surviving spouse, the spouse may Elect to defer commencement of payments may be delayed until the date the Participant would have attained age 72. Special rules apply as to payments to other (non-spouse) Designated Beneficiaries. If the Beneficiary is not a Designated Beneficiary, or if a Designated Beneficiary fails to make a payment Election, payment will be made within five (5) years as described in Section 6.3(c)(i)(a).

~~(i) If there is no Designated Beneficiary, the entire Accumulation Account must be distributed within the period described in clause (a) above. If a Designated Beneficiary makes no Election, the period described in clause (a) applies.~~

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~~(ii)~~ (ii) Death After the Required Beginning Date. Upon the Participant's death after the time benefits are required to begin under Section 6.3(b), any remaining benefits will be distributed at least as rapidly as under the method of distribution in effect at the time of the Participant's death. Minimum distributions will be calculated based on the longer life expectancy of the Participant or his or her Designated Beneficiary. If there is no Designated Beneficiary, the minimum distributions will be based on the Participant's remaining life expectancy.

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(d) Separate Treatment of Contracts and Accounts. In applying the foregoing minimum distribution rules, each Annuity Contract or Custodial Account shall be treated as an IRA and distribution shall be made in accordance with the provisions of Treas. Reg. §1.408-8, except as provided in Treas. Reg. §1.403(b)-6(e).

~~6.4.~~ **67.4 No Loans.** The Plan does not make loans to Participants or Beneficiaries.

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~~6.5.~~ **67.5 Rollover Distributions.**

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~~(a)~~ (a) Direct Rollover. A Participant or the Beneficiary of a deceased Participant (or a Participant's spouse or former spouse who is an alternate payee under a domestic relations order, as defined in Code Section 414(p)(1)(B)) who is entitled to an Eligible Rollover Distribution ~~(as defined in Code Section 402(e)(4))~~ from the Plan may make an Election to have any portion of that distribution paid directly to an Eligible Retirement Plan ~~(as defined in Code Section 402(e)(8)(B))~~ specified by the Participant or Beneficiary in a Direct Rollover. In the case of a distribution to a Designated Beneficiary who at the time of the Participant's death was neither the spouse of the Participant nor the spouse or former spouse of the participant who is an alternate payee under a domestic relations order, a Direct Rollover is payable only to an IRA that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Code Section 408(d)(3)(C)).

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(b) Rollover and Tax Notice. Each Fund Sponsor within a reasonable time period (and within any period prescribed by applicable law) before making an initial Eligible Rollover Distribution, will provide an explanation to the Participant of his or

her right to elect a Direct Rollover and the income tax withholding consequences of not electing a Direct Rollover.

(c) Election. A Participant (including for this purpose, a former Employee) may elect, at the time and in the manner prescribed by the Fund Sponsor, to have any portion of his or her Eligible Rollover Distribution from the Plan paid directly to an Eligible Retirement Plan specified by the Participant in a Direct Rollover. For purposes of this Section 6.5, a Participant includes as to their respective interests: (1) a Participant's surviving spouse, (2) the Participant's spouse or former spouse who is an alternate payee under a QDRO, or (3) any other Beneficiary of a deceased Participant who is a Designated Beneficiary under Treas. Reg. Section 1.401(a)(9)-4.

(d) Rollover and Withholding Notice. At least 30 days and not more than 180 days prior to the distribution of an Eligible Rollover Distribution, the Plan must provide a written notice (including a summary notice as permitted under applicable IRS guidance) explaining to the distributee the rollover option, the applicability of mandatory 20% federal withholding to any amount not directly rolled over, and the recipient's right to roll over within 60 days after the date of receipt of the distribution ("rollover notice"). A recipient of an Eligible Rollover Distribution (whether he/she elects a Direct Rollover or elects to receive the distribution), also may elect to receive distribution at any administratively practicable time which is earlier than 30 days following receipt of the rollover notice. The provisions of this Section 6.5(d) do not apply to distributions to a Beneficiary described in Section 6.5(c)(3).

(e) Default Rollover. The Fund Sponsor, in the case of a Participant who does not respond timely to the rollover notice, may make a Direct Rollover of the Participant's Account in lieu of distributing the Participant's Account.

(f) g) h) (fj) Definitions. The following definitions apply to this Section 6.5:

(i) Direct Rollover. A Direct Rollover means a payment by the Plan to the Eligible Retirement Plan the distributee specifies in his or her Direct Rollover election or in the case of an automatic rollover, to the IRA that the Plan designates.

(ii) Eligible Retirement Plan. An Eligible Retirement Plan means an IRA, an annuity plan described in Code §Code Section 403(a), a qualified trust described in Code §Code Section 401(a), an arrangement described in Code §Code Section 403(b), or an eligible deferred compensation plan described in Code §Code Section 457(b) sponsored by a governmental employer which accepts the Participant's or alternate payee's Eligible Rollover Distribution. Code Section In the case of a Beneficiary described in Section 6.5(c)(3), an Eligible Retirement Plan is limited to an IRA that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Code §Code Section 408(d)(3)(C)).

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(iii) Eligible Rollover Distribution. An Eligible Rollover Distribution means any distribution of all or any portion of the Participant's Account Balance, except: (a) any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Participant or the joint lives (or joint life expectancies) of the Participant and the Participant's designated beneficiary, or for a specified period of ten (10) years or more; (b) any required minimum distribution under Section 6.3; (c) the portion of any distribution which is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); (d) any hardship distribution; (e) any distribution which otherwise would be an Eligible Rollover Distribution, but where the total distributions to the Participant during that calendar year are reasonably expected to be less than \$200; (f) any corrective distribution of excess amounts under Code §Code Section 402(g), 401(k), 401(m), and/or 415(c) and income allocable thereto; (g) any loans that are treated as deemed distributions under Code §Code Section 72(p) (h) dividends paid on employer securities described in Code §Code Section 408(k); (i) the costs of life insurance coverage (P.S. 58 costs); (j) prohibited allocations treated as deemed distributions under Code §Code Section 409(p); and (k) permissible withdrawals from a EACA described in Code §Code Section 414(w). A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be transferred only to (i) an IRA Code Sections or (ii) a qualified plan described in Code §§Code Sections 401(a) or 403(a), or (iii) a tax-sheltered annuity described in Code §Code Section 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(b) (iv) ~~Code Section Code Section~~

## **SECTION 7.8. ADMINISTRATION**

**7.1. 87.1 Plan Administration/Administrator.** WSU is the Plan Administrator of this Plan and has designated WSU Human Resource Services to be responsible for the day-to-day administration of the Plan.

**7.2. 87.2 Authority of WSU Plan Administrator.** The Plan Administrator has all the powers and authority conferred upon it herein and further shall have final authority to determine, in its discretion, all questions concerning eligibility and contributions under the Plan, to interpret all terms of the Plan, including any uncertain terms, to adopt Plan policies and procedures, and to decide any disputes arising under and all questions concerning administration of the Plan. Any determination made by the Plan Administrator shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary and capricious. In exercising these powers and authority, the Plan Administrator will at all times exercise good faith, apply standards of uniform application, and refrain from arbitrary action. WSU shall have final authority to determine all questions concerning eligibility and contributions under the Plan, to interpret all terms of the Plan, including any uncertain terms, to adopt Plan policies and procedures, and to decide any disputes arising under and all questions concerning administration

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of the Plan. Any determination made by WSU shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary and capricious.

**7.3 Delegation of Authority.** The Plan Administrator may delegate any power or powers to one or more other employees of WSU, or to any agent or independent contractor of WSU. Any such delegation shall be in writing, and may be obtained from the Plan Administrator.

## SECTION 98. MISCELLANEOUS

**8.1. 99.1 Non-Alienation of Benefits.** Except as provided in this ~~Section 98~~, no benefit under the Plan may at any time be subject in any manner to alienation, encumbrance, the claims of creditors, or legal process. No Participant or Beneficiary will have power in any manner to transfer, assign, alienate, or in any way encumber his or her Account or benefits under the Plan, or any part thereof, and any attempt to do so will be void and of no effect. ~~The~~ Plan Administrator will comply with any judgment, decree, or order (including a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child or other dependent of a Participant and is made pursuant to the domestic relations law of any state. establishes the rights of another person to all or a portion of a Participant's benefit under this Plan to the extent that it is treated as a qualified domestic relations order under Code Section 414(p). Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. ~~WSU shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.~~ The Plan Administrator may pay from a Participant's Account an amount the Plan Administrator determines is lawfully demanded under a levy issued by the IRS with respect to a Participant or Beneficiary, or is sought to be collected by the U.S. Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

**8.2. 98.2 Plan Does Not Affect Employment.** Nothing in this Plan is a commitment or agreement by WSU or by any Employee ~~any person~~ to continue his or her employment with WSU or by WSU to rehire a retired Participant, and nothing in this Plan is a commitment on the part of WSU to continue ~~the employment or~~ the rate of compensation of any ~~Employee person~~ for any period. All ~~E~~employees ~~of WSU~~ will remain subject to nonrenewal, discharge, or discipline to the same extent as if the Plan had never been put into effect.

**8.2. 89.3 Claims of Other Persons.** The Plan does not give any Participant, Beneficiary or any other person, firm, or ~~entity of any type, corporation~~ any legal or equitable right against WSU or against its past, present or future officers, employees, or Board members ~~Regents~~, except for the rights that are specifically provided for in this Plan or created in accordance with the terms and provisions of this Plan.

**8.3. 89.4 Contracts and Certificates.** In the event there is any inconsistency or ambiguity between the terms of the Plan and the terms of the contracts between the Fund Sponsor(s) and WSU and/or the Participants and any contracts and/or certificates issued to a Participant under the Plan, the terms of the Plan control.

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~~8.4.~~ **98.5 Governing Law.** Except as provided under federal law, the provisions of the Plan are governed by and construed in accordance with the laws of the State of Washington.

~~8.5.~~ **98.6 Requests for Information.** Any request for information concerning eligibility, participation, contributions, or other aspects of the operation of the Plan should be in writing and directed to the Plan Administrator via WSU Human Resource Services. Requests for information concerning the Fund Sponsor(s), the Funding Vehicles, their terms, conditions, and interpretations thereof, claims thereunder, any requests for review of such claims; and service of legal process, may be directed in writing to the Fund Sponsor(s).

**98.7 Mistaken Contributions or Other Plan Failures.**

~~(a) **Mistake of Fact.** If any Plan Contribution (or portion of a Plan Contribution) is made to the Plan by a mistake of fact, then within one (1) year after the payment of the Plan Contribution, the Plan Administrator may return the amount of the mistaken contribution WSU contributes to the Plan on condition that its contribution is not due to a mistake of fact. The Fund Sponsor, upon WSU's written request, will return the amount of any WSU contribution (net of any investment loss, but not increased by any investment income or gains) to WSU. Thereafter, the Plan Administrator will determine if any or all of such amount should be refunded to the affected Participant, made due to a mistake of fact; provided, that any such contribution must be returned within one (1) year after the contribution was made.~~

~~(b) **Other Failures.** If any WSU or Participant Plan C contribution is made to the Plan which exceeds the Plan or Code limits or which is not otherwise in accordance with the Plan terms, or if there are other Plan related failures, the Plan Administrator will make correction in accordance with the Plan and with the Employee Plans Compliance Resolution System under Rev. Proc. 201908-1950 or any other successor or applicable guidance line.~~

**SECTION 109. AMENDMENT AND TERMINATION**

~~9.1. 109.1 Amendment and Termination.~~ The Board reserves the right at any time to amend or terminate the Plan, in whole or in part, or to discontinue any further Plan Contributions ~~or payments~~ under the Plan. If the Plan is terminated or if Plan Contributions are completely discontinued, ~~the Plan Administrator WSU will notify all Participants. As of the date of complete or partial termination, all Accumulation Accounts will remain nonforfeitable, and all Elective Deferral Elections will become void with respect to Compensation yet to be paid.~~

~~9.2. 109.2 Distribution Upon Termination of the Plan.~~ WSU may provide that, in connection with a termination of the Plan and subject to any restrictions contained in the Annuity Contract and Custodial Account agreements, all ~~Accumulation~~ Accounts will be distributed, provided WSU and any Related Employer on the date of termination do not make contributions to an alternative Code Section 403(b) contract that is not part of the Plan during the period beginning on the date of plan termination and ending twelve (12) months after the distribution of

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all assets from the Plan, except as permitted by Code Section 403(b) and the regulations thereunder.

**9.3. 109.3 Limitation.** Notwithstanding the provisions of Section 9.1, the Board shall not make any amendment to the Plan that operates to recapture for WSU any Plan Contributions previously made under this Plan except to the extent permitted by Section 8.7.

# WASHINGTON STATE UNIVERSITY

Voluntary Investment ~~Program~~Programlan (VIP)

As Amended and Restated  
Effective ~~March XX, 2020~~January 1, 2009

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## SECTION 1. ESTABLISHMENT OF VOLUNTARY INVESTMENT PROGRAM

**1.1 Establishment of Program.** The Board of Regents of Washington State University established a Washington State University Tax-Deferred Annuity Program as of January 1, 1983, as allowed under State of Washington RCW 28.B.10.480. ~~As of January 1, 2009, the program Plan is named the Washington State University Voluntary Investment Program Plan (VIP). This plan document sets forth the provisions of the Plan, as amended through March , 2020 but with a general retroactive effective date of January 1, 2010 as provided for in Rev. Proc. 2013-22. This plan is a governmental plan as defined in Code Section 414(d) and is intended to satisfy the provisions of Code Section 403(b).~~

~~SECTION 2. This plan document sets forth the provisions of this Program, as in effect on January 1, 2009. Contributions under this Program are made under section 403(b) of the Internal Revenue Code and are invested, at the direction of the Participant, in one or more of the Funding Vehicles available under the Program.~~

### **DEFINITIONS**

The words and phrases defined in this Article have the following meanings throughout this plan document:

**2.1 Account** means the account maintained for the benefit of any Participant or Beneficiary under a Funding Vehicle. The Plan Administrator will establish and maintain such separate Accounts for each Participant as may be necessary to properly account for ~~Pre tax~~Pre-Tax Elective Deferrals versus Roth Elective Deferrals and the Earnings thereon, and otherwise as may be necessary for proper Plan administration.

**2.2 Account Balance** means the total benefit to which a Participant or a Beneficiary is entitled under all Funding Vehicles, taking into account all VIP Contributions made to the Funding Vehicle and all Earnings and expenses allocable to the Account, and any distributions made to the Participant or Beneficiary.

~~1.1. **Accumulation Account** means the separate account established for each Participant with each Fund Sponsor to which VIP Contributions have been made by the Participant. The current value of a Participant's Accumulation Account with a Fund Sponsor includes all VIP Contributions to the Fund Sponsor, less expense charges, transfers, and benefit distributions, and reflecting credited investment experience.~~

**2.3 Annuity Contract** means ~~a nontransferable group or individual contract described in Code Section 403(b)(1) that is issued by a Fund Sponsor and that includes payment in the form of an annuity, a non-transferable contract described in section 403(b)(1) of the Code, that is issued by an insurance company qualified to issue annuities in the State of Washington and that includes payment in the form of an annuity~~

~~**Beneficiary** means either (a) the surviving spouse of the Participant or (b) with the written consent of the Participant's spouse, if any, such person or persons who shall have been~~

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designated by the Participant in writing duly executed and filed with the Fund Sponsor(s) or (b) if no such person survives the Participant. A new designation may be made at any time before the Participant or Beneficiary has started to receive annuity payments under the Program; any such new designation shall be subject to the conditions of this Section 2.3.

~~**Beneficiary** means the person(s), including one or more trusts or other entities the Participant designates in writing, contingently or successively, to receive the Participant's Accumulation Account (or remaining Accumulation Account) under the Plan in the event of the Participant's death. If the Participant is married or has a state registered domestic partner under RCW 26.60 et seq. (a "domestic partner"), the Participant's designation of someone other than the spouse or domestic partner as a primary Beneficiary requires the written consent of the spouse or domestic partner. Any such consent must be witnessed by a notary public. Spousal or domestic partner consent will be effective only with respect to that spouse or domestic partner. Such consent will not be required if it is established to the satisfaction of the Plan Administrator that the spouse or domestic partner cannot be located. A Participant's Beneficiary designation must be made on a form provided for this purpose by the Plan Administrator or by a Fund Sponsor and must be on file with the Plan Administrator or Fund Sponsor. If a Participant fails to designate a Beneficiary, the Participant's Accumulation Account (or remaining Accumulation Account) remaining on the Participant's death will be paid in the following order of priority: (i) to the Participant's surviving spouse or state registered domestic partner, and, if none; (ii) to the Participant's surviving children and lineal descendants, by right of representation and not per capita, and, if none; (iii) to the Participant's surviving parents, and, if none; (iv) to the Participant's estate. For purposes of Sections 6.3 and 6.5, a Designated Beneficiary means as described in Treas. Reg. § 1.401(a)(9).~~

**2.4 Beneficiary** means the person(s), including one or more trusts or other entities the Participant designates in writing, contingently or successively, to receive the Participant's Account (or remaining Account) under the Plan in the event of the Participant's death. If the Participant is married or remarries, the Participant's designation (including a pre-existing designation in the case of remarriage) of someone other than the spouse as a primary Beneficiary requires the written consent of the spouse. Any such consent must be witnessed by a notary public. Unless the consent expressly provides that the Participant may designate an additional Beneficiary or Beneficiaries without further consent of the spouse, the consent will be effective only with respect to the specific designation to which the consent relates. Spousal consent will be effective only with respect to that spouse. Such consent will not be required if it is established to the satisfaction of the Plan Administrator that there is no spouse or that the spouse cannot be located. A Participant's Beneficiary designation must be made on a form provided for this purpose by the Plan Administrator or by a Fund Sponsor and must be on file with the Plan Administrator or Fund Sponsor. If a Participant fails to designate a Beneficiary, the Participant's Account (or remaining Account remaining on the Participant's death) will be paid in the following order of priority: (a) to the Participant's surviving spouse, and, if none; (b) to the Participant's surviving children and lineal descendants, by right of representation and not per capita, and, if none; (c) to the Participant's surviving parents, and, if none; (d) to the Participant's estate. For purposes of Sections 6.4 and 6.7, a Designated Beneficiary means as described in Treas. Reg. Section 1.401(a)(9)-4 and, as applicable and the context requires, an "Eligible Designated Beneficiary" under the Secure Act.

~~4.2.4 **Beneficiary** means the person(s), including one or more trusts or other entities the Participant designates in writing, contingently or successively, to receive the Participant's Account (or remaining Account) under the Plan in the event of the Participant's death. If the Participant is married, remarries or has a state registered domestic partner under RCW 26.60 et seq. (a "domestic partner"), the Participant's designation (including a pre existing designation in the case of remarriage) of someone other than the spouse or domestic partner as a primary Beneficiary requires the written consent of the spouse or domestic partner. Any such consent must be witnessed by a notary public. Spousal or domestic partner consent will be effective only with respect to that spouse or domestic partner. Such consent will not be required if it is established to the satisfaction of the Plan Administrator that the spouse or domestic partner cannot be located. A Participant's Beneficiary designation must be made on a form provided for this purpose by the Plan Administrator or by a Fund Sponsor and must be on file with the Plan Administrator or Fund Sponsor. If a Participant fails to designate a Beneficiary, the Participant's Account (or remaining Account remaining on the Participant's death) will be paid in the following order of priority: (i) to the Participant's surviving spouse or state registered domestic partner, and, if none; (ii) to the Participant's surviving children and lineal descendants, by right of representation and not per capita, and, if none; (iii) to the Participant's surviving parents, and, if none; (iv) to the Participant's estate. For purposes of Sections 6.3 and 6.5, a Designated Beneficiary means as described in Treas. Reg. Section 1.401(a)(9)-4 and, as applicable and the context requires, an "Eligible Designated Beneficiary" under the Secure Act.~~

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~~2.5 **Board** means the Board of Regents of Washington State University.~~

~~2.6 **Code** means the Internal Revenue Code of 1986, as amended.~~

~~2.7 **Compensation** means W-2 taxable income and includes Post-Severance Compensation which consists of regular pay.;~~

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~~2.8 **Custodial Account** means the group or individual custodial account or accounts, described in section 403(b)(7) of the Code, established for a Participant to hold assets of the Program Plan to hold regulated investment company stock issued by a Fund Sponsor.~~

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~~2.9 **Differential Wage Payment** means as defined in Code Section 3401(h).~~

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~~2.101 **Earnings** means the net income, gain or loss earned by an Account or with respect to a contribution or distribution, as the context requires. A Roth Elective Deferral Account will be credited and charged only with its own Earnings as attributable to Roth Elective Deferrals.~~

Commented [A1]: Are Roth in-plan conversions permitted?

Commented [A2R1]: Nope.

~~2.112 **Election** means any Participant or Beneficiary written election (including made in electronic form) under the Plan and which is made on/in the form the Plan Administrator or the Fund Sponsor provides for this purpose. An Election must be made in the manner and within the time period the Plan, the Plan Administrator, or the Fund Sponsor prescribe, and as is consistent with Code Section 403(b) or other applicable law.~~

**2.123 Elective Deferral** means a Participant's ~~pre-tax~~Pre-Tax elective deferrals or Roth elective deferrals (and as the context requires, Age 50 Catch-up Deferrals and Qualified Organization Catch-up Deferrals) which WSU contributes to the Participant's Account at the Participant's Election under a Salary Reduction Agreement ~~Agreement~~, in lieu of the Participant receiving cash compensation.

~~1.2.~~

**2.13 Eligible Employee** means any ~~E~~employee of Washington State University, except nonresident aliens who receive no U.S.-source earned income.

**2.146 Employee** means each individual who is a common law employee of the State of Washington performing services for WSU, including an individual who is appointed or elected. This definition is not applicable unless the Employee's compensation for performing services for WSU is paid by the State of Washington. Further, a person occupying an elective or appointive public office is not an Employee unless such office is one to which an individual is elected or appointed only if the individual has received training, or is experienced, in the field of education. A public office includes any elective or appointive office of the State of Washington. An individual receiving a Differential Wage Payment from WSU is treated as a WSU Employee.

**2.15 Employment Commencement Date** means the date on which the Employee first performs Service for WSU. ~~References in the Plan to "hire date" mean the Employment Commencement Date.~~ The Re-Employment Commencement Date means the date on which the Employee first performs Service for WSU after WSU re-hires the Employee.

**2.16 Fund Sponsor** means an insurance, variable annuity, or investment company that provides Funding Vehicles to Participants under the ~~Program~~Plan.

**2.17 Funding Vehicles** means the Annuity Contracts and Custodial Accounts available for ~~the purpose of~~ investing contributions under this ~~Program~~Plan and specifically approved by WSU under Section 5.1.

**2.18 Includible Compensation** means an Employee's compensation received from the Employer that is includible in the Participant's gross income for Federal income tax purposes (computed without regard to Code Section 911 relating to United States citizens or residents living abroad), including Differential Wage Payments, for the most recent period that is a Year of 403(b) Service. Includible Compensation also includes any Elective Deferral or other amount contributed or deferred by the Employer at the election of the Employee that would be includible in the Employee's gross income but for the rules of Code Sections 125, 132(f)(4), 402(e)(2), 402(h)(1)(B), 402(k), or 457(b). Includible Compensation does not include any Compensation other than Post-Severance Compensation, paid after Severance of Employment. The amount of Includible Compensation is determined without regard to any community property laws. Except as provided in Treas. Reg. Section 1.401(a)(17)-1(d)(4)(ii) with respect to eligible participants in governmental plans, the amount of Includible Compensation of any Participant taken into account in determining contributions will not exceed \$285,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B) for periods after 2020.

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~~2.1921~~ IRA means an individual retirement account under Code Section 408(a) or an individual retirement annuity under Code Section 408(b).

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~~2.202~~ IRS means the Internal Revenue Service.

~~1.3.~~

~~1.4.~~

~~2.21~~ Participant means any employee of WSU who participates in the ~~Plan~~Program in accordance with Section 3.1.

~~2.22~~ Plan~~Program~~ means the Washington State University Voluntary Investment ~~Program~~Program as set forth in this document.

~~2.23~~ Plan~~Program~~ Administrator is defined in Section 8.1.

~~2.24~~ Plan~~Program~~ Year means ~~the calendar year~~January 1 through December 31.

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~~2.2532~~ Post-Severance Compensation means Compensation paid after a Participant's Severance from Employment from WSU, to include regular pay, leave cash-outs, or deferred compensation paid within the time period described herein. Any other payment paid after Severance from Employment is not Compensation even if payment is made within the time period described below. Post-Severance Compensation does not include severance pay, parachute payments under Code Section 280G(b)(2) or payments under a nonqualified unfunded deferred compensation plan unless the payments would have been paid at that time without regard to Severance from Employment. Post-Severance Compensation includes regular pay, leave cash-outs, or deferred compensation only to the extent WSU pays such amounts by the later of two and one-half (2 1/2) months after Severance from Employment or by the end of the Limitation Year (under Section 4.12(b)(viii)) that includes the date of such Severance from Employment. Regular pay means the payment of regular Compensation for services during the Participant's regular working hours, or Compensation for services outside the Participant's regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments, but only if the payment would have been paid to the Participant prior to a Severance from Employment if the Participant had continued in employment with WSU. Leave cash-outs means payments for unused accrued bona fide sick, vacation, or other leave, but only if the Employee would have been able to use the leave if employment had continued and if Compensation would have included those amounts if they were paid prior to the Participant's Severance from Employment. Deferred compensation means the payment of deferred compensation pursuant to an unfunded deferred compensation plan, if Compensation would have included the deferred compensation if it had been paid prior to the Participant's Severance from Employment, but only if the payment would have been paid at the same time if the Participant had continued in employment with WSU and only to the extent that the payment is includible in the Participant's gross income.

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~~2.3263~~ Qualified Military Service means as defined in Code Section 414(u)(5). Notwithstanding any provision in the Plan to the contrary, as to Qualified Military Service, the Plan will credit Service, the Employer will make Plan VIP Contributions, and the Plan will provide benefits in accordance with Code Section 414(u).

~~2.14. Roth Accumulation Account means an Accumulation Account established for a Participant who elects to make Roth VIP Contributions in accordance with Section 4.11.~~

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**2.27 Related Employer** means WSU and any other entity which is related to WSU under Code Sections 414(b), (c), (m) or (o). WSU will determine which entities are Related Employers based on a reasonable, good faith standard and taking into account the special rules applicable under IRS Notice 89-23, any entity which is under common control with WSU under section 414(b) or (c) of the Code.

**2.28 Salary Reduction Agreement (SRA)** means is a written ~~is a~~ agreement (including made in electronic form) between the Employee and WSU under which the Employee's Compensation is reduced by an amount equal to the Elective Deferrals that the Employee wishes to have made to his or her Account. An SRA shall be subject to such rules and restrictions as may be imposed by the Plan Administrator not inconsistent with Code Section 403(b) and the regulations thereunder.  
~~described in Section 3.1.~~

Commented [A3]: With our transition to a new system under WorkDay, participants will log onto their TIAA accounts and make their VIP elections there and no longer complete a hard-copy form and submit it to our office. Do we need to modify "written", or would that also include an electronic election?  
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**2.29 SECURE Act** means the Setting Up Every Community for Retirement Enhancement Act of 2019.

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**2.306 Service** means any period of time the Employee is in the employ of WSU, including any period the Employee is on an unpaid leave of absence authorized by WSU under a uniform policy applicable to all Employees.

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**2.317 Severance from Employment or "Separation from Service"** occurs when an Employee ceases to be employed by WSU or a Related Employer that is eligible to maintain a section 403(b) Plan under Treas. Reg. Section 1.403(b)-2(b)(8), even if the Employee remains employed with another entity that is a Related Employer where either: (a) such Related Employer is not an eligible employer; or (b) the Employee is employed or in a capacity that is not employment with an eligible employer.

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**2.32 Spouse** means the person to whom the Participant is legally married and for this Plan also includes a registered domestic partner under RCW 26.60 et seq or other applicable law.

**2.338 Taxable Year** means the taxable year of a Participant.

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~~2.40 Unbroken Service means Service as an Employee without a Break in Service.~~

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~~2.341 USERRA means the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.~~

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~~2.35 VIP Contributions means pre-tax Pre-Tax -Elective Deferrals and/or Roth Elective Deferral and or Roth Elective Deferrals contributions to the Plan by a the Participant as described in Section 4.~~

Commented [A4]: Contributions don't include Roth contributions?

**2.36** WSU means Washington State University.

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**2.37** Year of 403(b) Service means for purposes of determining Includible Compensation and for Qualified Organization Catch-up Deferrals, each full year during which an individual is a full-time Employee, plus fractional credit for each part of a year during which the individual is either a full-time Employee of the Employer for a part of a year or a part-time Employee of the Employer, determined under Treas. Reg. Section 1.403(b)-4(e). An Employee's number of Years of 403(b) Service equals the aggregate of such years or parts of years. The work period is the Employer's annual work period.

### SECTION 3. ELIGIBILITY AND PARTICIPATION

**3.1** Eligibility and Participation. All Eligible Employees may begin Plan participation as of their Employment Commencement Date or any later date they may elect by making an Election to enroll, which includes entering into a Salary Reduction Agreement (SRA). Participation will commence effective as of the first (1<sup>st</sup>) administratively practicable payroll date or payroll period on or following the Plan Administrator's actual receipt of the Election ~~their Election~~. ~~Aon their first day of employment as an Eligible Employee or the first of any pay period thereafter following the election.~~ To participate in this Program Plan, ~~A~~ an Eligible Employee must make their Election in the form/format as provided by the Program Plan Administrator. Funding Vehicles selection must be made with the Fund Sponsor(s) as directed by the Program Plan Administrator. ~~complete the necessary enrollment process for the Fund Sponsor(s) and for the Funding Vehicle(s) selected, as well as a Salary Reduction Agreement (SRA), and return them to WSU Human Resource Services prior to the effective pay period.~~

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Commented [A5]: Not a plan document question, but a general question. Elective contributions can only be elected on future earnings and not current earnings. I see "earnings" as when you are earning the money, not when you are being paid the money.

Therefore, our practice has been that if I submit an SRA between the 1<sup>st</sup> and 15<sup>th</sup> of a month, I am in a period of current earnings, so the earliest the change could go into effect would be with my 16<sup>th</sup> – end of month earnings. In this situation the contribution would be taken from paid earnings on the following months 10<sup>th</sup> paycheck, not on the current month's 25<sup>th</sup> paycheck.

In recent talks with TIAA, they led me to believe that most employers appear to interpret "earnings" as to when it is paid, not earned. Therefore, in the above example, they would make the election take on the current month's 25<sup>th</sup> paycheck, as future "pay".

Again, we can talk more after this week is over on this one.

~~By making an election to participate in the Plan, the employee is entering into a Salary Reduction Agreement (SRA). An SRA is an written agreement between the employee and WSU under which the employee's salary is reduced by an amount equal to the contributions that the employee wishes to have made to the Program Plan. An SRA shall be subject to such rules and restrictions as may be imposed by the Program Plan Administrator not inconsistent with section 403(b) of the Code and the regulations thereunder.~~

**3.2** Revision to SRA. A Participant may elect to stop Elective Deferrals, revise the amount of their Elective Deferrals, or change from ~~pre tax~~Pre-Tax to Roth Elective Deferrals or vice versa (including any combination thereof) at any time by making an Election on a SRA.

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**3.3** Termination of Contributions. ~~Participation.~~ A Participant may not make additional VIP Contributions after: (a) the Participant ceases ~~they cease~~ to be an Eligible Employee; (b) WSU terminates the Plan; or (c) as to a Taxable Year or Limitation Year, the Participant has ~~they have~~ reached the Elective Deferral Limit or the Annual Additions Limit for that Year, ~~will continue to participate in the Program Plan until (a) he or she ceases to be an Eligible Employee, or (b) the Program Plan is terminated, or (c) his or her contributions under the Program are terminated, whichever occurs first.~~

Commented [A6]: Do we need to clarify that this could be due to reaching the IRS maximum contribution limit? We need to rethink this in the WSRUP as well. Technically, participant status continues until the person's account is fully paid out to them which could be long after they stop contributing. Here, and in the WSRUP, I think we are really saying no new contributions beyond the applicable time.

### SECTION 4. VIP CONTRIBUTIONS

**4.1 VIP Contributions; Other Plans.** A Participant's VIP Contributions may consist of any or all of the following Elective Deferrals;

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(a) ~~Pre-tax~~Pre-Tax Deferral. ~~Pre-tax~~Pre-Tax Deferral means an Elective Deferral which is not a Roth Deferral.

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(b) ~~Roth~~ Deferral. Roth Deferral means an Elective Deferral which the Participant irrevocably designates as a Roth deferral under Code Section 402A at the time of deferral and which is subject to income tax when made to the Plan. Except as the Plan otherwise provides, a Roth ~~Elective Deferrals is~~are treated as an Elective Deferral for all purposes under the Plan.

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(c) ~~Age 50 Catch-up~~ Deferral. Age 50 Catch-up Deferral means an Elective Deferral by a Catch-up Eligible Participant and which exceeds the Annual Additions Limit under Section 4.4(b) or the Elective Deferral Limit under Section 4.4(a). A Catch-up Eligible Participant is a Participant who is eligible to make Elective Deferrals and who has attained age 50 or who will attain age 50 before the end of the Taxable Year in which he or she will make an Age 50 Catch-up Deferral. A Participant who dies or who incurs a Separation from Service before attaining age 50 is a Catch-up Eligible Participant in such Taxable Year. A Participant's Age 50 Catch-up Deferrals for a Taxable Year may not exceed the lesser of: (a) 100% of the Participant's Compensation for the Taxable Year when added to the Participant's other Elective Deferrals; or (b) the Catch-up Deferral dollar limit in effect for the Taxable Year (\$6,500 for 2020). After the 2020 Taxable Year, the IRS will adjust the Age 50 Catch-up Deferral dollar limit in multiples of \$500 under Code Section 414(v)(2)(C). A Participant's Age 50 Catch-up Deferrals are not subject to the Annual Additions Limit under Section 4.4(b) or to the Elective Deferral Limit under Section 4.4(a).

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(d) ~~Qualified Organization~~ Catch-up Deferral. A Participant who has completed at least fifteen (15) Years of 403(b) Service with WSU is a Qualified Participant and may elect to make a Qualified Organization Catch-up Deferral. The elective Deferral Limit for a Qualified Participant increases by the lesser of: (i) \$3,000; (ii) \$15,000 reduced by the Participant's Qualified Organization Catch-up Deferrals for prior Taxable Years; or (iii) the excess of \$5,000 multiplied by the Participant's Years of 403(b) Service with WSU over the Participant's deferral contributions made for prior Taxable Years pursuant to Code Sections 401(k), 408(k)(6), 408(p) or 403(b), other than under Code Section 414(v). A Qualified Organization Catch-up Deferral is subject to the Annual Additions Limit under Section 4.4(b) but is not subject to the Elective Deferral Limit under Section 4.4(a).

Commented [A7]: My understanding is we have the option to do the 15 year catch-up, but are not required to do so. Is that correct?

Full disclosure: although not in our prior document, we have historically done about four 15 year catch-ups.

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(e) ~~Catch-up~~ Ordering. A Participant who is eligible may elect to contribute both Age 50 Catch-up Deferrals and Qualified Organization Catch-up Deferrals. The Plan Administrator will treat any such amounts as first attributable to Qualified Organization Catch-up Deferrals.

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~~(f) Contributions to other Plans. Contributions to this Program Plan (referred to hereafter as "VIP Contributions") are in addition to contributions, if any, which may be made to the Washington State University Retirement Plan (WSURP), or any State of Washington retirement plan. To make VIP Contributions, an Eligible Employee must enter into a Salary Reduction Agreement with WSU as described in Section 3.1. Under the Agreement, the employee's salary is reduced and the amount of the reduction is forwarded to the Funding Vehicles available under this Program Plan.~~

**Commented [A8]:** What about contributions made to another ER in the same calendar year, that may have been made before starting employment at WSU? Or if they are a part-time worker for someone else through whom they are making contributions?  
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~~4.2 Salary Reduction Minimum. A Participant's shall be permitted to make contributions under this Program Plan only if the Salary Reduction Agreement must provides for minimum contributions of at least \$15.00 per pay period; provided, that a Participant is not required to make Elective Deferrals which exceed but this section shall not be construed to require contributions of more than \$200 per Taxable Year.~~

~~4.3 Leave of Absence. During a leave of absence from WSU with pay, VIP Contributions will continue to be made in accordance with the Salary Reduction Agreement. No VIP Contributions will be made during a leave of absence without pay.~~

~~4.4 Maximum Contribution. Plan VIP Contributions for a Participant for any calendar year, together with contributions for the Participant under any other plan subject to Code Sections 402(g) or 403(b), shall not exceed the Elective Deferral Limit and the Annual Additions Limit, except as permitted by Code Section 414(v) as to age 50 Catch-up Deferrals. [special e ps?]~~

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~~(a) Annual Elective Deferral Limitation. A Participant's Elective Deferrals for a Taxable Year may not exceed the Elective Deferral Limit. Age 50 Catch-up Deferrals and Qualified Organization Catch-up Deferrals are not subject to the Elective Deferral Limit.~~

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~~(i) Definition of Elective Deferral Limit. The Elective Deferral~~

~~Limit is the Code Section 402(g) limitation on each Participant's Elective Deferrals for each Taxable Year. The Elective Deferral Limit is \$19,500 in 2020, and in future years is subject to adjustment by the IRS in multiples of \$500 under Code Section 402(g)(4). However, in no event shall a Participant's Elective Deferrals exceed the Participant's Compensation for the Taxable Year. If the Participant's Taxable Year is not a calendar year, the Plan Administrator must apply the Code Section 402(g) limitation in effect for the calendar year in which the Participant's Taxable Year begins.~~

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~~(ii) Definition of Excess Deferral. A Participant's Excess~~

~~Deferral is the amount of Elective Deferrals for a Taxable Year which exceeds the Elective Deferral Limit.~~

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(iii) Suspension after Reaching Limit. If the Plan Administrator determines a Participant's Elective Deferrals to the Plan for a Taxable Year would exceed the Elective Deferral Limit, the Plan Administrator will suspend the Participant's Elective Deferrals, if any, until the following January 1 and will pay to the Participant in cash the portion of the Elective Deferrals which would result in the Participant's Elective Deferrals for the Taxable Year exceeding the Elective Deferral Limit. ~~ROTH ordering~~

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(iv) Correction. If the Plan Administrator determines a Participant's Elective Deferrals already contributed to the Plan for a Taxable Year exceed the Elective Deferral Limit, the Plan Administrator will distribute the Excess Deferrals as adjusted for Allocable Income, no later than April 15 of the following Taxable Year (or if later, the date permitted under Code Sections 7503 or 7508A).

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(v) 415 Interaction. If the Plan Administrator distributes the Excess Deferrals by the April 15 deadline under Section 4.4(a)(iv), the Excess Deferrals are not an Annual Addition under Section 4.4(b), and the Plan Administrator may make the distribution irrespective of any other provision under this Plan or under the Code. Elective Deferrals distributed to a Participant as an Excess Amount in accordance with Section 4.4(b) are not taken into account in determining the Participant's Elective Deferral Limit.

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(vi) More than One Plan. If a Participant participates in another plan subject to the Code Section 402(g) limitation under which the Participant makes elective deferrals pursuant to a 401(k) Plan, elective deferrals under a SARSEP, elective contributions under a SIMPLE IRA or salary reduction contributions to a 403(b) plan (irrespective of whether WSU maintains the other plan), the Participant may provide to the Plan Administrator a written claim for Excess Deferrals made to the Plan for a Taxable Year. The Participant must submit the claim no later than the March 1 following the close of the particular Taxable Year and the claim must specify the amount of the Participant's Elective Deferrals under this Plan which are Excess Deferrals. The Plan Administrator may require the Participant to provide reasonable evidence of the existence of and the amount of the Participant's Excess Deferrals. If the Plan Administrator receives a timely claim which it approves, the Plan Administrator will distribute the Excess Deferrals as adjusted for Allocable Income the Participant has assigned to this Plan, under this Section 4.4(a)(vi). If a Participant has Excess Deferrals because of making Elective Deferrals to this Plan and other WSU plans (but where the Elective Deferral Limit is not exceeded based on the Participant's Elective Deferrals to any single plan), the Participant for purposes of this Section 4.4(a)(vi) is deemed to have notified the Plan Administrator of this Plan of the Excess Deferrals.

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(vii) Definition of Allocable Income. Allocable Income means Earnings allocable to the Excess Deferrals for and through the end of the Taxable Year in which the Participant made the Excess Deferral. To calculate Allocable Income for the Taxable Year, the Plan Administrator will use a uniform method which reasonably reflects the manner used by the Plan Administrator to allocate Earnings to Participants' Accounts or the "alternative method" under Treas. Reg. Section 1.402(g)-1(e)(5)(iii).

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(viii) Roth and Pre-Tax Deferrals. If a Participant who will receive a distribution of Excess Deferrals, in the Taxable Year for which the corrective distribution is made, has contributed both Pre-Tax Deferrals and Roth Deferrals, the Plan Administrator operationally will determine the Elective Deferral Account source(s) from which it will direct the Fund Sponsor to make the corrective distribution. The Plan Administrator also may permit the affected Participant to elect the source(s) from which the Fund Sponsor will make the corrective distribution. However, the amount of a corrective distribution of Excess Deferrals to any Participant from the Pre-Tax Deferral or Roth Deferral sources under this Section 4.4(a)(viii) may not exceed the amount of the Participant's Pre-Tax Deferrals or Roth Deferrals for the Taxable Year of the correction.

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(b) Annual Code Section 415 Limit. The amount of Annual Additions which the Plan Administrator may allocate under this Plan to a Participant's Account for a Limitation Year may not exceed the Annual Additions Limit.

(i) Prevention. If the Annual Additions the Plan Administrator otherwise would allocate under the Plan to a Participant's Account for the Limitation Year would exceed the Annual Additions Limit, the Plan Administrator will not allocate the Excess Amount, but instead will take any reasonable, uniform action the Plan Administrator determines necessary to avoid allocation of an Excess Amount including: (1) suspending or limiting a Participant's additional Mandatory Contributions or Elective Deferrals; (2) reducing WSU's future Plan Contribution(s); or (3) suspending or limiting the allocation to a Participant of any Plan Contribution previously made to the Plan (exclusive of Elective Deferrals). If the Plan Administrator allocates to a Participant an Excess Amount, the Plan Administrator must dispose of the Excess Amount in accordance with Section 4.12(b)(ix).

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(ii) Aggregation of WSU 403(b) Plans. If Annual Additions are credited to any other WSU Code Section 403(b) Plan in addition to those credited under this Plan for a Limitation Year, the sum of the Participant's Annual Additions for the Limitation Year under the other plan and this Plan may not exceed the Annual Additions Limit.

(iii) Aggregation where Participant Controls any Employer. If a Participant is in control of any other employer for a Limitation Year, the sum of the Participant's Annual Additions for the Limitation Year under this Plan, any other WSU Code Section 403(b) plan, any defined contribution plans maintained by the controlled employers, and any Code Section 403(b) plans of any other employers may not exceed the Annual Additions Limit for the Limitation Year. The Plan Administrator determines "control" under Code Sections 414(b) or 414(c), as modified by Code Section 415(h), in accordance with the rules of Treas. Reg. Section 1.415(f)-1(f). A "defined contribution plan" means a defined contribution plan qualified under Code Sections 401(a) or 403(a), a Code Section 403(b) plan, or a simplified employee pension plan under Code Section 408(k). The Plan Administrator will provide written or electronic notice to Participants that explains the limitation in this Section 4.12(b)(iii) in a manner calculated to be understood by the average Participant and informs Participants of their responsibility to provide information to the Plan Administrator that is necessary to satisfy this Section. The notice will advise Participants that the application of the limitations in this Section will take into account information supplied by the Participant and that failure to provide necessary and correct information to the Plan Administrator could result in adverse tax consequences to the Participant, including the inability to exclude contributions to the Plan under Code Section 403(b). The notice will be provided annually, beginning no later than the year in which the Employee becomes a Participant.

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(iv) Ordering Rules. If a Participant's Annual Additions under this Plan and any other plans aggregated with the Plan under this Section 4.12(b) result in an Excess Amount, such Excess Amount will consist of the Amounts last allocated. If the Plan Administrator allocates an Excess Amount to a Participant on an allocation date of this Plan which coincides with an allocation date of another plan, the Excess Amount attributed to this Plan will equal the product of: (1) the total Excess Amount allocated as of such date, multiplied by (2) the ratio of (a) the Annual Additions allocated to the Participant as of such date for the Limitation Year under the Plan to (b) the total Annual Additions allocated to the Participant as of such date for the Limitation Year under this Plan and the other aggregated plans.

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(v) Definition of Annual Addition. An Annual Addition means the ~~VIP Plan~~ Contributions credited to a Participant's Account under this Plan and employer contributions, elective deferrals, employee contributions, mandatory contributions, allocations under a simplified employee pension plan and forfeitures credited to any other plan aggregated with the Plan under this Section 4.12(b); provided that Age 50 Catch-up Contributions, distributed Excess Deferrals under Section 4.12(a)(v) and certain other amounts described in Treas. Reg. Section 1.415(c)-1(b) are excluded. For purposes of the dollar limitation under Section 4.12(b)(vi), Annual Additions also include amounts allocated to an individual medical account (as defined in Code Section 415(l)(2) included as part of a pension

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or annuity plan maintained by WSU and contributions paid or accrued attributable to post-retirement medical benefits allocated to the separate account of a key-employee (as defined in Code Section 419A(d)(3)) under a WSU welfare benefit fund (as defined in Code Section 419(e)).

(vi) Definition of Annual Additions Limit. The Annual Additions Limit is the lesser of: (i) \$57,000 in 2020 and as adjusted in future Limitation Years under Code Section 415(d), or (ii) 100% of the Participant's Compensation for the Limitation Year.

(vii) Definition of Excess Amount. An Excess Amount is an excess of a Participant's Annual Additions for a Limitation Year over the Annual Additions Limit.

(viii) Definition of Limitation Year. The Limitation Year means the calendar year. However, if the Participant is in control of an employer under Section 4.12(b)(iii), the Limitation Year is the Limitation Year as defined in the defined contribution plan controlled by the Participant.

(ix) Correction of Excess Amount. If a Participant's Account exceeds the Annual Additions Limit for the Limitation Year, then the Plan may correct such excess in accordance with Section 9.7(b). Alternatively, the Plan Administrator may hold the Excess Amount in a separate account. The Excess Amount held in the separate account is includable in the Participant's gross income or the taxable year in which the VIP Plan Contributions exceed the Annual Additions Limit. This separate account will be treated as a separate contract to which Code Section 403(c) (or another application provision of the Code) applies. Amounts in the separate account may be distributed at any time, notwithstanding any other provisions of the Plan.

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4.6.

#### 4.5 Rollover Contributions and Transfers.

(a) (a) Eligible Rollover Contributions. To the extent provided in the Annuity Contracts and Custodial Account agreements, a Participant who is entitled to receive an Eligible Rollover Distribution from another Eligible Retirement Plan may request to have all or a portion of the Eligible Rollover Distribution paid directly or indirectly to the Program Plan. Such rollover contributions shall be made in the form of cash only. The Fund Sponsor may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with Code Section 402 of the Code and to confirm that such other plan is an Eligible Retirement Plan, within the meaning of section 402(c)(8)(B) of the Code. However, in no event does the Program Plan accept a rollover contribution from a Roth elective deferral account under an applicable

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Commented [A10]: If in-plan Roth rollovers (conversions) permitted, language goes in this section.

Commented [A11R10]: We do not allow for in-plan Roth conversions. We do accept Roth rollovers, however.

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~~retirement plan described in section 402A(e)(1) of the Code or a Roth IRA described in section 408A of the Code.~~

**Commented [A12]:** I see you struck this portion, but in 4.5(a)(iv) we do accept the Roth rollover. Would that section now be struck as well based on my response on the previous comment?

~~Eligible Rollover Distribution. For purposes of Section 6.1(a), an eligible rollover distribution means any distribution of all or any portion of a Participant's benefit under another eligible retirement plan, except that an eligible rollover distribution does not include (1) any installment payment for a period of 10 years or more, (2) any distribution made as a result of an unforeseeable emergency or other distribution which is made upon hardship of the employee, or (3) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under section 401(a)(9) of the Code. In addition, an eligible retirement plan means an individual retirement annuity described in section 408(b) of the Code, a qualified trust described in section 401(a) of the Code, an annuity plan described in section 403(a) or 403(b) of the Code, or an eligible governmental plan described in section 457(b) of the Code.~~

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~~(i) Eligible Rollover Distribution. An Eligible Rollover Distribution means any distribution of all or any portion of the Participant's Account Balance, except: (a) any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Participant or the joint lives (or joint life expectancies) of the Participant and the Participant's designated beneficiary, or for a specified period of ten (10) years or more; (b) any required minimum distribution under Section 6.3; (c) the portion of any distribution which is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); (d) any hardship distribution; (e) any distribution which otherwise would be an Eligible Rollover Distribution, but where the total distributions to the Participant during that calendar year are reasonably expected to be less than \$200 (treating a Participant's Roth deferral amount as separate plan for purposes of the \$200 amount); (f) any corrective distribution of excess amounts under Code Section 402(g), 401(k), 401(m), and/or 415(c) and income allocable thereto; (g) any loans that are treated as deemed distributions under Code Section 72(p) (h) dividends paid on employer securities described in Code Section 408(k); (i) the costs of life insurance coverage (P.S. 58 costs); (j) prohibited allocations treated as deemed distributions under Code Section 409(p); and (k) permissible withdrawals from a EACA described in Code Section 414(w). A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be transferred only to (i) an IRA or (ii) a qualified plan described in Code Sections 401(a) or 403(a), or (iii) a tax-sheltered annuity described in Code Section 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.~~

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~~(ii) Eligible Retirement Plan. An Eligible Retirement Plan means an IRA, an annuity plan described in Code Section 403(a), a qualified trust described~~

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in Code Section 401(a), an arrangement described in Code Section 403(b), or an eligible deferred compensation plan described in Code Section 457(b) sponsored by a governmental employer which accepts the Participant's or alternate payee's Eligible Rollover Distribution. With regard to a Participant's designated Roth account, an Eligible Retirement Plan is a Roth IRA or another designated Roth account. In the case of a Beneficiary described in Section 6.5(c)(3), an Eligible Retirement Plan is limited to an IRA that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Code Section 408(d)(3)(C)).

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(iii) Separate Accounts. The Fund Sponsor shall establish and maintain for the Participant a separate Account for any Eligible Rollover Distribution paid to the ProgramPlan. No such rollover shall be taken into account in applying the limits of Section 4.4.

(iv) Roth Rollovers. A rollover contribution to the Plan may include Roth elective deferrals made to another plan, as adjusted for earnings in such plan; provided that such amounts must be directly rolled from the other plan to this Plan and the other plan must be a qualified plan under Code Section 401(a), a Code Section 403(b) plan or a government Code 457(b) plan.

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~~(b)~~ (b) Plan-to-Plan Transfers to the Program Plan.

~~(i) At the direction of WSU, for a class of Employees who are participants or beneficiaries in another plan under section 403(b) of the Code, the Plan Administrator may permit a transfer of assets to the Program Plan as provided in this Section 4.6(b). Such a transfer is permitted only if the other plan provides for the direct transfer of each person's entire interest therein to the Program Plan and the participant is an Employee or former Employee of WSU. The Program Plan Administrator and any Fund Sponsor accepting such transferred amounts may require that the transfer be in cash or other property acceptable to it. The Program Plan Administrator or any Fund Sponsor accepting such transferred amounts may require such documentation from the other plan as it deems necessary to effectuate the transfer in accordance with Treas. Reg. Section §1.403(b)-10(b)(3) of the Income Tax Regulations and to confirm that the other plan is a plan that satisfies Code Section 403(b) of the Code.~~

~~(ii) The amount so transferred shall be credited to the Participant's Accumulation Account, so that the Participant or Beneficiary whose assets are being transferred has an accumulated benefit immediately after the transfer at least equal to the accumulated benefit with respect to the Participant or Beneficiary immediately before the transfer.~~

~~(iii) To the extent provided in the Annuity Contract and Custodial Account agreements holding such transferred amounts, the amount transferred shall be held, accounted for, administered and otherwise treated in the same manner as a VIP Contribution, except that (1) the Annuity Contract or Custodial Account which holds any amount transferred to the Program Plan must provide that, to the extent any~~

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Commented [A13]: This seems to be limited to a group of EEs. Could a single EE transfer in from another 403(b)? Also, are transfers OUT of the VIP permitted?

Commented [A14R13]: I think this was addressing a situation that occurred in 2007. We had another 403b vendor, Lincoln National. We stopped offering that plan, and those participants were able to do the plan-to-plan transfer. I will provide a copy of the letter we provided to participants at that time.

A transfer is different than a rollover, but how do we make it clear that an individual could rollover into this plan, but the transfer is something different.

Also, currently transfers OUT are not permitted for active participants. When they are no longer eligible participants, they could roll out of the plan, but again, I don't think that would be a transfer.

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~~amount transferred is subject to any distribution restrictions required under Code Section 403(b) of the Code, the Annuity Contract or Custodial Account agreement must impose restrictions on distributions to the Participant or Beneficiary whose assets are being transferred that are not less stringent than those imposed by the transferor plan and (2) the transferred amount is not subject to the limitations of Section 4.4 shall not be considered a VIP Contribution in determining the maximum deferral under Section 4.4.~~

**4.6 Vesting of Contributions.** Each contract and certificate issued in accordance with the provisions of the Program Plan is the property of the Participant. Amounts attributable to VIP Contributions are immediately vested and shall be nonforfeitable, ~~subject to Section 10.5.~~ However, VIP Contributions based on a good faith mistake of fact shall be returned to WSU if WSU so requests as provided in Section 8+0.56(a).

**4.7 Account Statement.** At least once a year the Fund Sponsor(s) will send each Participant a report summarizing the status of his or her Accumulation Account. A Participant may obtain similar reports or illustrations upon ~~termination of employment~~ Separation from Service or at any other time by writing directly to the Fund Sponsor(s).

**4.7. 4.8 No Reversion.** Under no circumstances will any VIP Contributions revert to, be paid to, or inure to the benefit of, directly or indirectly, ~~the~~ WSU, except as provided in the second sentence of Section 10.54.7.

~~Protection of Persons Who Serve in a Uniformed Service. An Eligible Employee whose employment is interrupted by qualified military service under section 414(u) of the Code or who is on a leave of absence for qualified military service under section 414(u) of the Code may elect to make additional VIP Contributions upon resumption of employment with WSU or any Related Employer equal to the maximum VIP Contributions that the Employee could have elected during that period if the Employee's employment had continued (at the same level of Compensation) without the interruption or leave, reduced by the VIP Contributions, if any, actually made for the Employee during the period of the interruption or leave. Except to the extent otherwise provided under section 414(u) of the Code, this right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).~~

~~Roth Elective Deferrals. As of January 1, 2010, the Program Plan will accept Roth VIP Contributions made by Participants. A Participant's Roth VIP Contributions will be allocated to an Accumulation Account maintained for such Roth VIP Contributions as described in Section 4.11(a). Unless specifically stated otherwise, Roth VIP Contributions will be treated as VIP Contributions for all purposes under the Program Plan.~~

~~(a) Contributions and withdrawals of Roth VIP Contributions will be credited and debited to the Roth Accumulation Account maintained for each Participant. The Program Plan will maintain a record of the amount of Roth VIP Contributions in each Participant's Roth Accumulation Account. Gains, losses, and other credits or charges must be separately allocated on a reasonable and consistent basis to each Participant's Roth Accumulation Account and the Participant's other Accumulation Accounts under the Program Plan. No contributions other than~~

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Commented [A15]: Needed?

Commented [A16]: Addressed as an amendment since January 1, 2010. Adding to document. I covered these provisions elsewhere except the part of (d) which refers to the \$1,000 mandatory distribution. As we discussed, the WSURP and VIP do not have mandatory distributions of small balances as to terminated participants. I also did not include (e) because again the plans do not impose the Code permitted \$500 minimum on the amount which must be rolled where a participant elects to keep some of the distribution and roll the rest.

Commented [A17R16]: OK - sounds good.

Roth VIP Contributions and properly attributable earnings will be credited to each Participant's Roth Accumulation Account.

**4.9** ~~10~~Military Service. This Section 4.9~~10~~ applies to an Employee who: (1) has completed Qualified Military Service under USERRA; (2) the Employer has rehired under USERRA; and (3) is a Participant entitled to make-up contributions under Code Section 414(u). This Section 4.9-~~6(b)~~ also applies to an Employee who dies or becomes disabled while performing Qualified Military Service.

(a~~i~~) Compensation. For purposes of this Section 4.9~~10~~, the Plan Administrator will determine an affected Participant's Compensation as follows. A Participant during his or her period of Qualified Military Service is deemed to receive Compensation equal to that which the Participant would have received had he or she remained employed by WSU, based on the Participant's rate of pay that would have been in effect for the Participant during the period of Qualified Military Service. If the Compensation during such period would have been uncertain, the Plan Administrator will use the Participant's actual average Compensation for the twelve (12) month period immediately preceding the period of Qualified Military Service, or if less, for the period of employment.

(b~~ii~~) Elective Deferrals. During a Participant's period of Qualified Military Service, the Plan Administrator must allow a Participant to make up Elective Deferrals ~~or Mandatory Contributions~~ to his or her Account. The Participant may make up the maximum amount of Elective Deferrals ~~or Mandatory Contributions~~ which he or she under the Plan terms would have been able to contribute during the period of Qualified Military Service (less any such amounts the Participant actually contributed during such period) and the Participant must be permitted to contribute any lesser amount as the Plan would have permitted. The Participant must make up any contribution under this Section 4.9~~5(b)(iii)~~ commencing on his or her Re-Employment Commencement Date and not later than five (5) years following the Re-employment Commencement Date (or if less, a period equal to three (3) times the length of the Participant's Qualified Military Service triggering such make-up contribution).

(c~~iii~~) Limitations. Contributions under this Section 4.9~~10~~ are Annual Additions under Section 4.4~~12(b)~~ and are subject to the Elective Deferral Limit under Section 4.4~~12(a)~~ in the year to which such contributions are allocated, but not in the year in which such contributions are made.

(d~~iv~~) Differential Wage Payments. The Plan is not treated as failing to meet the requirements of any provision described in this Section 4.9~~10~~ by reason of any contribution or benefit which is based on a Differential Wage Payment. The preceding sentence applies only if all Employees performing service in the uniformed services described in Code Section 3401(h)(2)(A) are entitled to receive Differential Wage Payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the Employer, to make contributions based on the payments on reasonably equivalent terms

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(taking into account Code Sections 410(b)(3), (4), and (5)). The Plan Administrator operationally may determine, for purposes of any provision described in this Section 4.910, whether to take into account any Elective Deferrals, attributable to Differential Wage Payments.

~~(ex)~~ No Earnings. A Participant ~~receiving~~ making any make-up contribution under this Section 4.6(b)9 is not entitled to an allocation of any Earnings on any such contribution prior to the time that WSU actually makes the contribution ~~(or timely deposits the Participant's own make-up Elective Deferrals or Mandatory Contributions)~~ to the Plan.

~~(vi)~~ HEART Act Death Benefits. If a Participant dies while performing Qualified Military Service, the Participant's Beneficiary is entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the Plan as if the Participant had resumed employment and then terminated employment on account of death.

**4.10 Contribution Transmission.** WSU will transmit to the Fund Sponsors all VIP Contributions as soon as is administratively practicable and within any time period required under applicable law.

**SECTION 5. FUND SPONSORS AND FUNDING VEHICLES**

~~4.8.~~ **5.1 The Fund Sponsors and Funding Vehicles.** VIP Contributions are invested in one or more of the Funding Vehicles made available to Participants through the Fund Sponsors under this Program Plan and in accordance with any applicable law restricting investments by Participants not residing in the United States. A Participant or Beneficiary may allocate VIP Contributions among Funding Vehicles in any whole number percentages totaling one hundred percent (100%). Participants and Beneficiaries are solely responsible for the investment of their Account. If a Participant or Beneficiary fails to direct the investments of his or her Account, the Account will be invested in a Funding Vehicle selected by WSU for such non-directing Participants and Beneficiaries. The Fund Sponsors that are available to Participants as of the date of this document are:

— Teachers Insurance and Annuity Association and College Retirement Equities Fund (TIAA-CREF): 730 Third Avenue, New York, NY 10017

WSU's ~~The Institution's~~ current ~~choices~~ selection of Fund Sponsor(s) and Funding Vehicles is not intended to limit future additions or deletions by WSU of Fund Sponsors and Funding Vehicles. The Program Plan Administrator shall maintain a list of all Fund Sponsors under the Program Plan. Such list is hereby incorporated as part of the Program Plan. The ~~Each~~ Fund Sponsor(s) and WSU shall exchange such information as may be necessary to satisfy section 403(b) of the Code or other requirements of applicable law. In the case of a Fund Sponsor that ~~which~~ is not eligible to receive contributions under the Program Plan (including a Fund Sponsor that ~~which~~ has ceased to be a Fund Sponsor eligible to receive contributions under the Program Plan), WSU ~~the Employer~~ shall keep the Fund Sponsor informed of the name and contact information of the Program Plan Administrator in order to coordinate information necessary to

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satisfy section 403(b) of the Code or other requirements of applicable law. In the event the Plan terms and the Funding Vehicles are in conflict, the Plan terms are controlling; provided that as to the timing or form of any Plan distribution, such timing or form must be permitted under the Funding Vehicle as well as under the Plan.

**5.2 Allocation of Contributions.** A Participant may allocate VIP Contributions among Funding Vehicles in any whole number percentages that equal 100 percent.

Commented [A18]: This section not in WSURP. Add?

Commented [A19R18]: It would make sense to add, however, I am not married to that if we don't want to as well.

**5.3 Funding Vehicle Exchange.** A Participant may exchange all or a part of his or her Account between Funding Vehicles offered by a Plan Sponsor, subject to Fund Sponsor and/or Funding Vehicle contractual requirements, and to Code Section 403(b) and the regulations thereunder. However, effective on and following the execution of this Plan, an investment exchange to an investment with a Fund Sponsor that is not eligible to receive VIP Contributions under Section 5.1 is not permitted.

~~1.9. **5.3 Fund Transfers.** Subject to a Funding Vehicle's rules for transfers and in accordance with the provisions of the Code governing the deferral of income tax with respect to Accumulation Accounts, a Participant may specify that a part or all of his or her Accumulation Account in one Funding Vehicle be transferred to another Funding Vehicle. However, an investment transfer that includes an investment with a Fund Sponsor that is not eligible to receive VIP Contributions (referred to below as an exchange) is not permitted unless the conditions in paragraphs (a) through (c) of this Section 5.3 are satisfied.~~

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Commented [A20]: This differs from WSURP which says exchange with ineligible fund sponsor cannot be done, period. Is this difference intended?

Commented [A21R20]: I interpret the first section to be within one Fund Sponsor you are able to transfer funds from one vehicle to another.

As to the remainder of this section, we have not practiced transferring funds between two Fund Sponsors, except as was identified in 4.5(b). I wish I could clearly say what occurred in 2007, but I was with a different part of HR then, and don't have direct knowledge. Do you think this is a stand-alone section, or was it incorporated in connection with 4.5(b)? I will look for old documentation to see if I can find anything.

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~~(a) —(a)The Participant or Beneficiary must have an Accumulation Account immediately after the exchange that is at least equal to the Accumulation Account of that Participant or Beneficiary immediately before the exchange (taking into account the Accumulation Account of that Participant or Beneficiary with both Fund Sponsors immediately before the exchange).~~

~~(b) —(b)The Annuity Contract or Custodial Account agreement with the receiving Fund Sponsor has distribution restrictions with respect to the Participant that are not less stringent than those imposed on the investment being exchanged.~~

~~(c) —(c)WSU enters into an agreement with the receiving Fund Sponsor for the other contract or custodial account under which the Employer and the Fund Sponsor will from time to time in the future provide each other with information necessary for the resulting contract or custodial account, or any other contract or custodial accounts to which contributions have been made through WSU, to satisfy Code Section 403(b) of the Code or other requirements, including WSU providing information as to whether the Participant's employment with WSU is continuing, notifying the Fund Sponsor when the Participant has had a Severance from Employment, and providing information on loans outstanding.~~

**5.4 Third Party Trading.** The Participant, or his or her Beneficiary in the event of the Participant's death, is responsible for directing all funds invested under this Plan, and cannot assign that responsibility to another party, except that a Participant or Beneficiary may assign that responsibility to a third party that has been given a power of attorney and directions may be given

by the legal representative of a Participant or Beneficiary who is under a legal disability. Any investment direction under this section 5.4 must be given in accordance with applicable law and any reasonable Plan Administrator or Fund Sponsor requirements.

## SECTION 6. BENEFITS

**6.1 Benefits in General.** The Participant is entitled to receive benefits under any of the Funding Vehicles at any time and in any form offered by the Fund Sponsors, not inconsistent with ~~Code Section 403(b) of the Code~~ and the regulations thereunder, and subject to the written consent of the Participant's spouse or state registered domestic partner under RCW 26.60 et seq (“domestic partner”), if any, in accordance with Section 6.5. However, distributions may be paid only after a Participant attains age 59 1/2, severs from employment with WSU and all Related Employers, dies or becomes disabled, or in the case of hardship. Hardship distributions are subject to the rules and restrictions set forth in Section 6.3. Distributions to a Participant made prior to attaining age 59 1/2 may be subject to early withdrawal penalties under the ~~Internal Revenue Code~~.

**6.2 Death Benefits.** On the death of a Participant, the entire value of the Participant's each Accumulation Account (or of the remaining Account) is payable to the Participant's Beneficiary or Beneficiaries. The Beneficiary may make an Election as to the time and form of payment under any payment option available under the Funding Vehicles, provided such payment options are consistent with Code Sections 403(b), 401(a)(9) and the regulations thereunder. A Beneficiary will make such Elections directly to the Fund Sponsor(s), named by the Participant under one of the options offered by the Fund Sponsor. However, to the extent such Account has previously been applied to purchase an annuity, payments shall be made only if and to the extent provided by the form of annuity. All death benefits are further subject to the required minimum distribution requirements of Section 6.4.

~~The designation of a Beneficiary other than the Participant's spouse, if any, requires the written consent of the spouse in accordance with Section 6.5.~~

**6.3 Hardship Distributions.** Hardship distributions under Section 6.1 shall be approved only if the ~~Plan program~~ Administrator determines that the Participant has an immediate and heavy financial need and the distribution is necessary to satisfy the need. In such cases, there shall be paid to such Participant out of his or her ~~Accumulation~~ Account only such portion of the amount requested as is necessary to prevent or alleviate the hardship. The ~~Program Plan~~ Administrator's determination shall be final and binding. No amount attributable to income credited after December 31, 1988 on VIP Contributions shall be available for distribution on account of hardship.

The following are deemed to be immediate and heavy financial needs of the Participant:

- (a) medical expenses described in Code section 213(d) incurred by the Participant or his or her spouse, ~~or~~ dependents, or primary beneficiary;
- (b) purchase (excluding mortgage payments) of a principal residence for the Participant;
- (c) payment of tuition, room and board for the next 12 months of post-secondary education for the Participant, his or her spouse, his or her children, ~~or~~ his or her dependents, or primary beneficiary;
- (d) the payment of amounts necessary to prevent the eviction of the Participant from his or her principal residence or the foreclosure on the mortgage

Commented [A22]: Should this also refer to registered domestic partners under laws of other states? Ditto the WSURP.

Commented [A23R22]: Yes, it/they should.

Commented [A24]: The WSURP requires spousal consent only if the participant wants to take a lump sum distribution of all or part of the account. So this restriction would apply to a partial distribution at age 59 1/2 while still working at WSU or to any distribution of the entire account in one payment.

The VIP requires spousal consent to ALL distributions (including annuities and installments).

Why are these different?

Commented [A25R24]: I don't know why they are different, and think they should probably be the same, with the only exception being that the VIP will allow for an in service distribution once someone is 59 1/2. I'm going to connect with TIAA to see if they have any thoughts on this issue that I may not taking into consideration.

Commented [A26]: Code Definition of beneficiary already covers this.

of his or her principal residence; (e) burial or funeral expenses for the Participant's deceased parent, spouse, children, ~~or dependents~~ or primary beneficiary; ~~or~~ (f) expenses for the repair of damage to the Participant's principal residence described in section 165 of the Code; or (g) expenses and losses (including loss of income) incurred by a Participant on account of a disaster declared by FEMA, provided the Participant's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual disaster assistance. For purposes of this Section 6.3, a "primary beneficiary" is an individual who is a named beneficiary under the Plan (whether by Participant designation or application of the Plan terms) and who has an unconditional right, on the Participant's death, to all or a portion of the Participant's Account.

**Commented [A27]:** Can add as a new event: expenses and losses (including loss of income) participant incurs on account of a FEMA declared disaster where the P's principal residence or employment is in the disaster area.

**Commented [A28R27]:** OK – let's add.

Hardship distributions will be deemed to be necessary to satisfy an immediate and heavy financial need of the Participant only to the extent that if all of the following are satisfied: (a) the distribution does not exceed the amount of the applicable need under the second paragraph of Section 6.3 ~~increased by including any amounts necessary to pay any federal, state or local taxes or penalties reasonable expected to result resulting~~ from the distribution; (b) the Participant has reasonably obtained all distributions, other than hardship distributions, and all nontaxable loans currently available under the ~~Program Plan~~ and any other plan maintained by WSU or any Related Employer; ~~(c) the Participant's VIP Contributions under the Program Plan and his or her elective and employee contributions under any other deferred compensation plan maintained by WSU or any Related Employer are suspended for six (6) months after receipt of the hardship distribution.~~ To obtain a hardship distribution after 2019, a Participant must represent in writing that he or she has insufficient cash or liquid assets reasonably available to satisfy the need and the Plan Administrator must not have actual knowledge to the contrary.

**Commented [A29]:** You can eliminate the requirement to first exhaust loans, or not

**Commented [A30R29]:** Yeah – I saw that was not an absolute requirement, but could still be used. The way it is written, does this give me the option to say if the loan option on your TIAA VIP will meet the need, you need to pursue that. If it will not, we won't require you seek another loan and could pursue the hardship?

#### **6.4 Minimum Distribution Requirements.**

(a) Applicable Law. All distributions under this Plan will be made in accordance with Code Sections 403(b)(10) and 401(a)(9), as each is amended and in effect from time to time, and regulations thereunder. Notwithstanding anything to the contrary in this Section 7.3, required minimum distributions are subject to changes made under the SECURE Act and any regulations or other binding guidance issued thereunder.

(b) Lifetime Required Minimum Distributions. Participants who attained age 70½ prior to January 1, 2020, must receive distribution or commence distribution of his or her Account no later than April 1 following the calendar year in which the Participant attains age 70½ or, if later, April 1 following the calendar year in which the Participant Separates from Service. For Participants who attain age 70½ in 2020 or later, required minimum distributions must begin no later than April 1 of the calendar year following the calendar year in which the Participant attains age 72, or, if later, by April 1 following the calendar year in which the Participant Separates from Service. The annual lifetime minimum distribution amount will be calculated in accordance with Treas. Reg. §§1.401(a)(9)-2 and 1.401(a)(9)-5. The entire Account of each Participant will be distributed over a period not to exceed the life (or life expectancy) of the Participant or over the lives (or life expectancies) of the Participant and Designated Beneficiary.

Notwithstanding the above, the Account for each Participant as of December 31, 1986, will be distributed in accordance with Treas. Reg. Section 1.403(b)-6(e)(6).

(c) Death Required Minimum Distributions. The annual death minimum distribution amount will be calculated in accordance with Treas. Reg. §§1.401(a)(9)-3 and 1.401(a)(9)-5.

(i) Death Before the Required Beginning Date. If the Participant dies prior to January 1, 2020 and before benefit payments are required to begin under Section 6.3(b), any benefits payable to a Designated Beneficiary will be paid, as the Designated Beneficiary elects: (a) by December 31 of the calendar year which contains the fifth (5th) anniversary of the Participant's death; or (b) beginning no later than December 31 of the calendar year following the calendar year of the Participant's death, over a period not exceeding the life expectancy of the Designated Beneficiary. If the Designated Beneficiary is the surviving spouse, payment may be delayed until the date the Participant would have attained age 70½.

If the Participant dies in 2020 or later and before benefit payments are required to begin under Section 6.3(b), any benefits payable to (or for the benefit of) a Designated Beneficiary will be paid, as the Designated Beneficiary elects: (c) by the end of the tenth (10th) full calendar year after the Participant's death; or (d) beginning no later than the end of the first (1st) full calendar year after the Participant's death over the life of the designated Beneficiary or over a period not exceeding the life expectancy of the designated Beneficiary. If the Designated Beneficiary is the surviving spouse, the spouse may Elect to defer commencement of payments until the date the Participant would have attained age 72. Special rules apply as to payments to other (non-spouse) Designated Beneficiaries. If the Beneficiary is not a Designated Beneficiary, or if a Designated Beneficiary fails to make a payment Election, payment will be made within five (5) years as described in Section 6.3(c)(i)(a).

(ii) Death After the Required Beginning Date. Upon the Participant's death after the time benefits are required to begin under Section 6.3(b), any remaining benefits will be distributed at least as rapidly as under the method of distribution in effect at the time of the Participant's death. Minimum distributions will be calculated based on the longer life expectancy of the Participant or his or her Designated Beneficiary. If there is no Designated Beneficiary, the minimum distributions will be based on the Participant's remaining life expectancy.

(d) Separate Treatment of Contracts and Accounts. In applying the foregoing minimum distribution rules, each Annuity Contract or Custodial Account shall be treated as an IRA and distribution shall be made in accordance with the provisions of Treas. Reg. §1.408-8, except as provided in Treas. Reg. §1.403(b)-6(e).

~~1.10.~~

~~(a) All distributions under this Program will be made in accordance with Code sections 403(b)(10) and 401(a)(9), as each is amended and in effect from time to time, and regulations thereunder. The entire Accumulation Account of each Participant will be distributed over a period not to exceed the life (or life expectancy) of the Participant or over the lives (or life expectancies) of the Participant and a designated Beneficiary. As of December 20, 2019, for Participants who reached 70 1/2 in 2019 or earlier, the mMinimum distributions must begin no later than April 1 of the calendar year following the calendar year in which the Participant attains age 70 1/2, or, if later, April 1 following the calendar year in which the Participant retires from the WSU. For Participants who reach age 70 1/2 in 2020 or later, minimum distributions must begin no later than April 1 of the calendar year following the calendar year in which the Participant attains age 72, or, if later, April 1 following the calendar year in which the Participant retires from the WSU. Notwithstanding the above, the Accumulation Account of each Participant as of December 31, 1986 will be distributed in accordance with IRS Regulation 1.403(b)-6(e)(6). The Participant (or Beneficiary, after the Participant's death) may elect whether to use the permissive recalculation rule for life expectancies under Code section 401(a)(9)(D). Upon the Participant's death after the time benefits are required to begin hereunder, any remaining benefits will be distributed at least as rapidly as under the method of distribution in effect at the time of the Participant's death.~~

~~Prior to January 1, 2020, if the Participant dies before benefit payments are required to begin under the preceding paragraph, any benefits payable to (or for the benefit of) a designated Beneficiary will be paid by the end of the fifth full calendar year after the Participant's death, or will be paid beginning no later than the end of the first full calendar year after the Participant's death over the life of the designated Beneficiary or over a period not exceeding the life expectancy of the designated Beneficiary. If the designated Beneficiary is the surviving spouse, payment may be delayed until the date the Participant would have attained age 70 1/2.~~

~~As of January 1, 2020, if the Participant dies before benefit payments are required to begin under the preceding paragraph, any benefits payable to (or for the benefit of) a designated Beneficiary will be paid by the end of the tenth full calendar year after the Participant's death, or will be paid beginning no later than the end of the first full calendar year after the Participant's death over the life of the designated Beneficiary or over a period not exceeding the life expectancy of the designated Beneficiary. If the designated Beneficiary is the surviving spouse, payment may be delayed until the date the Participant would have attained age 72.~~

~~(b)~~

~~(c) In applying the foregoing rules, each Annuity Contract or Custodial Account shall be treated as an individual retirement account (IRA) and distribution shall be made in accordance with the provisions of section 1.408-8 of the IRS regulations, except as provided in section 1.403(b)-6(e) of the Regulations.~~

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**6.5 Application for Benefits; Spousal Consent.** Procedures for receipt of benefits are initiated by writing directly to the Fund Sponsor(s). Benefits will be payable by the Fund Sponsor(s) upon receipt of a satisfactorily completed application for benefits and supporting documents. The necessary forms will be provided to the Participant, the surviving spouse ~~or domestic partner~~, or the Beneficiary by the Fund Sponsor(s). ~~Any In any case in which Section 6.1 or 6.2 requires~~ the consent of the Participant's spouse ~~or domestic partner~~, the consent must be in writing, must acknowledge the effect of the ~~e~~Election or action to which the consent applies, and must be witnessed by a notary public or a ~~ProgramPlan~~ representative. Unless the consent expressly provides that the Participant may make further ~~e~~Elections without further consent of the spouse ~~or domestic partner~~, the consent will be effective only with respect to the specific ~~e~~Election ~~or form of benefit, or Beneficiary, or both~~, to which the consent relates. Spousal ~~or domestic partner~~ consent will be effective only with respect to that spouse ~~or domestic partner~~. Spousal ~~or domestic partner~~ consent will not be required if it is established to the satisfaction of the ~~ProgramPlan Administrator representative that there that there~~ is no spouse ~~or domestic partner~~, or that the spouse ~~or domestic partner~~ cannot be located.

~~1.1.1.~~ **6.6 Loans.** Subject to the Code and terms of the Funding Vehicles, ~~Plan~~ loans are available to Participants before the commencement of benefit payments. ~~Plan loans are subject to the spousal consent requirements of Section 6.5.~~

(a) **Information Coordination Concerning Loans.** Each Fund Sponsor is responsible for all information reporting and tax withholding required by applicable federal and state law in connection with distributions and loans. To minimize the instances in which Participants have taxable income as a result of loans from the ~~ProgramPlan~~, the ~~ProgramPlan~~ Administrator shall take such steps as may be appropriate to coordinate the limitations on loans set forth in (b) below, including the collection of information from Fund Sponsors, and transmission of information requested by any Fund Sponsor, concerning the outstanding balance of any loans made to a Participant under the ~~ProgramPlan~~ or any other plan of WSU or any Related Employer. The ~~ProgramPlan~~ Administrator shall also take such steps as may be appropriate to collect information from Fund Sponsors, and transmission of information to any Fund Sponsor, concerning any failure by a Participant to repay timely any loans made to a Participant under the ~~ProgramPlan~~ or any other plan of WSU or any Related Employer.

(b) **Maximum Loan Amount.** No loan to a Participant under the ~~ProgramPlan~~ may exceed the lesser of:

\$50,000, reduced by the ~~greater excess~~ of (i) ~~the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is made the outstanding balance on any loan from the ProgramPlan to the Participant on the date the loan is made~~ ~~or over~~ (ii) ~~the outstanding balance on any loan from the Plan to the Participant on the date the loan is made the highest outstanding balance on loans from the ProgramPlan to the Participant during the one-year period ending on the day before the date the loan is approved by the ProgramPlan~~

Commented [A31]: Payback via payroll withholding?

Loan treated as directed investment of borrower's account so no one else is at risk if default? Account balance pledged as collateral?

Spousal consent required?

Commented [A32R31]: WSU is not part of the loan repayment and currently the people work directly with TIAA, and it is not a payroll withholding.

I am feeling uninformed of the process. I will check with TIAA. Is this needed in the plan document, or just curiosity questions?

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~~Administrator (not taking into account any payments made during such one-year period); or~~

~~one half of the present value of the Participant's Accumulation Account,s (as of the valuation date immediately preceding the date on which such loan is approved by the ProgramPlan Administrator).~~

For purposes of this Section 6.6(b), any loan from any other plan maintained by WSU and any Related Employer shall be treated as if it were a loan made from the ~~ProgramPlan, and the Participant's vested interest under any such other plan shall be considered an Accumulation Account under this ProgramPlan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.~~

(c) Loan Terms. All Plan loans will require level amortization of principal and interest with quarterly (or more frequent) payments and over a payment term not exceeding five (5) years, except where the loan is for the acquisition of the Participant's principal residence where a longer term may be available. Loan repayment will be by means of payroll deduction, AC or other means acceptable to the Plan Administrator and the Fund Sponsors. Plan loans will be treated as a directed investment of the borrower's Account as and when consistent with Fund Sponsor requirements.

## 6.7 Direct Rollover of Eligible Rollover Distributions.

(a) Direct Rollover. A Participant or the Beneficiary of a deceased Participant (or a Participant's spouse or former spouse who is an alternate payee under a domestic relations order, as defined in Code Section 414(p)(1)(B)) who is entitled to an Eligible Rollover Distribution from the Plan may make an Election to have any portion of that distribution paid directly to an Eligible Retirement Plan specified by the Participant or Beneficiary in a Direct Rollover. In the case of a distribution to a Designated Beneficiary who at the time of the Participant's death was neither the spouse of the Participant nor the spouse or former spouse of the participant who is an alternate payee under a domestic relations order, a Direct Rollover is payable only to an IRA that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Code Section 408(d)(3)(C)).

(b) Rollover and Tax Notice. Each Fund Sponsor within a reasonable time period (and within any period prescribed by applicable law) before making an initial Eligible Rollover Distribution, will provide an explanation to the Participant of his or her right to elect a Direct Rollover and the income tax withholding consequences of not electing a Direct Rollover.

(c) Election. A Participant (including for this purpose, a former Employee) may elect, at the time and in the manner prescribed by the Fund Sponsor, to

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Commented [A33]: If home purchase loans are permitted we will add to this.

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have any portion of his or her Eligible Rollover Distribution from the Plan paid directly to an Eligible Retirement Plan specified by the Participant in a Direct Rollover. For purposes of this Section 6.75, a Participant includes as to their respective interests: (1) a Participant's surviving spouse, (2) the Participant's spouse or former spouse who is an alternate payee under a ODRO, or (3) any other Beneficiary of a deceased Participant who is a Designated Beneficiary under Treas. Reg. Section 1.401(a)(9)-4.

(d) Rollover and Withholding Notice. At least 30 days and not more than 180 days prior to the distribution of an Eligible Rollover Distribution, the Plan must provide a written notice (including a summary notice as permitted under applicable IRS guidance) explaining to the distributee the rollover option, the applicability of mandatory 20% federal withholding to any amount not directly rolled over, and the recipient's right to roll over within 60 days after the date of receipt of the distribution ("rollover notice"). A recipient of an Eligible Rollover Distribution (whether he/she elects a Direct Rollover or elects to receive the distribution), also may elect to receive distribution at any administratively practicable time which is earlier than 30 days following receipt of the rollover notice. The provisions of this Section 6.75(d) do not apply to distributions to a Beneficiary described in Section 6.75(c)(3).

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(e) Default Rollover. The Fund Sponsor, in the case of a Participant who does not respond timely to the rollover notice, may make a Direct Rollover of the Participant's Account in lieu of distributing the Participant's Account.

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(f) Definitions. The following definitions apply to this Section 6.75:

(i) Direct Rollover. A Direct Rollover means a payment by the Plan to the Eligible Retirement Plan the distributee specifies in his or her Direct Rollover election or in the case of an automatic rollover, to the IRA that the Plan designates.

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(ii) Eligible Retirement Plan. An Eligible Retirement Plan means as defined in Section 4.5(a)(ii) an IRA, an annuity plan described in Code Section 403(a), a qualified trust described in Code Section 401(a), an arrangement described in Code Section 403(b), or an eligible deferred compensation plan described in Code Section 457(b) sponsored by a governmental employer which accepts the Participant's or alternate payee's Eligible Rollover Distribution. In the case of a Beneficiary described in Section 6.5(c)(3), an Eligible Retirement Plan is limited to an IRA that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Code Section 408(d)(3)(C)).

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(iii) Eligible Rollover Distribution. An Eligible Rollover Distribution means as defined in Section 4.5(a)(i).

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SECTION any distribution of all or any portion of the Participant's Account Balance, except: (a) any distribution which is one of a series of substantially equal

~~periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Participant or the joint lives (or joint life expectancies) of the Participant and the Participant's designated beneficiary, or for a specified period of ten (10) years or more; (b) any required minimum distribution under Section 6.3; (c) the portion of any distribution which is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); (d) any hardship distribution; (e) any distribution which otherwise would be an Eligible Rollover Distribution, but where the total distributions to the Participant during that calendar year are reasonably expected to be less than \$200; (f) any corrective distribution of excess amounts under Code Section 402(g), 401(k), 401(m), and/or 415(c) and income allocable thereto; (g) any loans that are treated as deemed distributions under Code Section 72(p) (h) dividends paid on employer securities described in Code Section 408(k); (i) the costs of life insurance coverage (P.S. 58 costs); (j) prohibited allocations treated as deemed distributions under Code Section 409(p); and (k) permissible withdrawals from a EACA described in Code Section 414(w). A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after tax employee contributions which are not includible in gross income. However, such portion may be transferred only to (i) an IRA or (ii) a qualified plan described in Code Sections 401(a) or 403(a), or (iii) a tax sheltered annuity described in Code Section 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.~~

~~1.12.—~~

~~(a) — A Participant or the Beneficiary of a deceased Participant (or a Participant's spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the Code) who is entitled to an eligible rollover distribution (as defined in section 402(e)(4) of the Code) from the Program may elect to have any portion of that distribution paid directly to an eligible retirement plan (as defined in section 402(e)(8)(B) of the Code) specified by the Participant in a direct rollover. In the case of a distribution to a Beneficiary who at the time of the Participant's death was neither the spouse of the Participant nor the spouse or former spouse of the participant who is an alternate payee under a domestic relations order, a direct rollover is payable only to an individual retirement account or individual retirement annuity (IRA) that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of section 408(d)(3)(C) of the Code).~~

~~(b) — Each Fund Sponsor shall be separately responsible for providing, within a reasonable time period before making an initial eligible rollover distribution, an explanation to the Participant of his or her right to elect a direct rollover and the income tax withholding consequences of not electing a direct rollover.~~

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**~~SECTION 2. GENERAL PROVISIONS AND LIMITATIONS REGARDING BENEFITS~~**

~~2.1. **Non-Alienation of Retirement Rights or Benefits.** To the fullest extent permitted by law, no benefit under the ProgramPlan may at any time be subject in any manner to alienation, encumbrance, the claims of creditors or legal process. No person will have the power in any manner to transfer, assign, alienate, or in any way encumber his or her benefits under the ProgramPlan, or any part thereof, and any attempt to do so will be void and of no effect. This ProgramPlan will, however, comply with any judgment, decree or order which establishes the rights of another person to all or a portion of a Participant's benefit under this ProgramPlan to the extent that it is treated as a qualified domestic relations order under Code section 414(p). Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the ProgramPlan. WSU shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.~~

**7. ADMINISTRATION**

**7.1 ProgramPlan Administrator.** WSU is the ProgramPlan Administrator, and has designated the WSU Human Resource Services to be responsible for the day to day administration of the ProgramPlan.

**7.2 Authority of the ProgramPlan Administrator.** The ProgramPlan Administrator has all the powers and authority conferred upon it herein and further shall have final authority to determine, in its discretion, all questions concerning eligibility and contributions under the ProgramPlan, to interpret all terms of the ProgramPlan, including any uncertain terms, to adopt Plan policies and procedures, and to decide any disputes arising under and all questions concerning administration of the Planrogram. Any determination made by the ProgramPlan Administrator shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary and capricious. In exercising these powers and authority, ~~WSU the Plan Administrator~~ will at all times exercise good faith, apply standards of uniform application, and refrain from arbitrary action.

**7.3 Delegation of Authority.** The ProgramPlan Administrator may delegate any power or powers to one or more other employees of WSU, or to any agent or independent contractor of WSU. Any such delegation shall be in writing, and may be obtained from the ProgramPlan Administrator.

**~~SECTION 3. SECTION 8. AMENDMENT AND TERMINATION~~**

~~3.1. **Amendment and Termination.** While it is expected that this ProgramPlan will continue indefinitely, WSU reserves the right at any time to amend or terminate the ProgramPlan, or to discontinue any further VIP Contributions under the ProgramPlan, by resolution of its Board of Regents. If the ProgramPlan is terminated or if contributions are discontinued, WSU will notify all Participants, all Accumulation Accounts will remain nonforfeitable, and all agreements for~~

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~~salary reduction that have been entered into will become void with respect to salary amounts yet to be earned.~~

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~~3.2. **Distribution Upon Termination of the Program Plan.** WSU may provide that, in connection with a termination of the Program Plan and subject to any restrictions contained in the Annuity Contracts and Custodial Account agreements, all Accumulation Accounts will be distributed, provided that WSU and any Related Employer on the date of termination do not make contributions to an alternative Code section 403(b) contract that is not part of the Program Plan during the period beginning on the date of Program Plan termination and ending 12 months after the distribution of all assets from the Program Plan, except as permitted by IRS regulations.~~

~~3.3. **Limitation.** Notwithstanding the provisions of Section 9.1, the Board shall not make any amendment to the Program Plan that operates to recapture for WSU any contributions previously made under this Program Plan except to the extent permitted by Sections 4.7 and 10.5.~~

#### **MISCELLANEOUS**

**8.1 Non-Alienation of Retirement Rights or Benefits.** Except as otherwise provided in this Section 8, ~~to the fullest extent permitted by law, no benefit under the Plan may at any time be subject in any manner to alienation, encumbrance, the claims of creditors or legal process. No Participant or Beneficiary will have the power in any manner to transfer, assign, alienate, or in any way encumber his or her Account or benefits under the Plan, or any part thereof, and any attempt to do so will be void and of no effect. The Plan Administrator will comply with any judgment, decree or order (including a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child or other dependent of a Participant and made pursuant to the domestic relations law of any state. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Plan Administrator may pay from a Participant's Account an amount the Plan Administrator determines is lawfully demanded under a levy issued by the IRS with respect to a Participant or Beneficiary, or is sought to be collected by the U.S. Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.~~

#### **SECTION 4.**

**8.2 Program Plan Does Not Affect Employment.** ~~Nothing contained in this Program Plan may be construed as is a commitment or agreement by WSU or by any Employee on the part of any person to continue his or her employment with WSU, or by WSU to rehire a retired Participant, and nothing contained in this Program Plan may be construed as is a commitment on the part of WSU to continue the employment or the rate of compensation of any person-Employee for any period. All Employees of WSU will remain subject to discharge to the same extent as if the Program Plan had never been put into effect.~~

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**8.3 Claims of Other Persons.** ~~No provisions in this Program Plan will be construed. The Plan does not give as giving any Participant, Beneficiary or any other person, firm, or corporation entity of any type, any legal or equitable right against WSU or against its past present or future officers, employees, or regents Board members, except for the rights that are specifically provided for in this Program Plan or created in accordance with the terms and provisions of this Program Plan.~~

**8.4 Contracts and Certificates.** In the event there is any inconsistency or ambiguity between the terms of the ProgramPlan and the terms of the contracts between the Fund Sponsors and WSU and/or the Participants and any certificates issued to a Participant under the ProgramPlan, the terms of the ProgramPlan control.

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**8.5 Requests for Information.** Any request for information concerning eligibility, participation, contributions, or other aspects of the operation of the ProgramPlan should be in writing and directed to the Plan Administrator via WSU Human Resource Services. of this ProgramPlan. Requests for information concerning the Fund Sponsor(s, ~~the~~) and their Funding Vehicle(s), their terms, conditions and interpretations thereof, claims thereunder, any requests for review of such claims and service of legal process, may be directed in writing to the Fund Sponsor(s).

**8.6 Mistaken Contributions or other Plan Failures.**

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(a) Mistake of Fact. If any VIP Contribution (or any portion of a contribution) is made to the ProgramPlan by a good faith-mistake of fact, then within one (1) year after the payment of the Plan Contribution, ~~and upon receipt in good order of a proper request approved by the ProgramPlan Administrator~~WSU Human Resource Services Office, the Plan Administrator may return the amount of the mistaken contribution (net of any investment loss, but not increased by any investment income or gains)~~adjusted for any income or loss in value, if any, allocable thereto~~ to WSU. Thereafter, the Plan Administrator will determine if any or all of such amount should be refunded to the affected Participant. shall be returned directly to the Participant or, to the extent required or permitted by the ProgramPlan Administrator.~~WSU Human Resource Services Office, to WSU.~~

(b) Other Failures. If any VIP eContribution exceeds the Plan or Code limits or is otherwise not in accordance with the Plan terms, or if there are other Plan related failures, the Plan Administrator will make correction in accordance with the Plan and with the Employee Plans Compliance Resolution System under Rev. Proc. 2019-19 or any other successor or applicable guidance.

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**8.7 Governing Law.** Except as provided under federal law, the provisions of the ProgramPlan are governed by and construed in accordance with the laws of the State of Washington.

**SECTION 9. AMENDMENT AND TERMINATION**

**9.1 Amendment and Termination.** The Board reserves the right at any time to amend or terminate the Plan, in whole or in part, or to discontinue any further VIP Contributions under the Plan. If the Plan is terminated or if VIP Contributions are discontinued, the Plan

Administrator will notify all Participants, all Accounts will remain nonforfeitable, and all Salary Reduction Agreements that have been entered into will become void with respect to Compensation salary amounts yet to be paid.

**9.2 Distribution Upon Termination of the Plan.** WSU may provide that, in connection with a termination of the Plan and subject to any restrictions contained in the Annuity Contracts and Custodial Account agreements, all Accounts will be distributed, provided that WSU and any Related Employer on the date of termination do not make contributions to an alternative Code Section 403(b) contract that is not part of the Plan during the period beginning on the date of Plan termination and ending twelve (12) months after the distribution of all assets from the Plan, except as permitted by Code Section 403(b) and the regulations thereunder.

**9.3 Limitation.** Notwithstanding the provisions of Section 9.1, the Board shall not make any amendment to the Plan that operates to recapture for WSU any contributions previously made under this Plan except to the extent permitted by Section 8.6.

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May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Foundation Regents Report

SUBMITTED BY: Lisa Calvert, Vice President for Advancement  
CEO, Washington State University Foundation

The Washington State University Foundation is pleased to report the following:

- A growing and sustainable culture of philanthropy is based on long-term relationships. During these unprecedented times, WSU Advancement is committed to spending more time maintaining and growing the relationship our current and potential donors. We are being sensitive to the crisis at hand and how it is affecting our alumni and friends. We are reaching out to them to learn how they are doing and to ask what we can do to assist. Regarding our most generous investors, we are approaching each stakeholder with the utmost care and concern, including the opportunity to help identify the University's expertise with the corporate and organization's needs to navigate the pandemic.
- Providing opportunities for WSU alumni, donors, and other influencers to be meaningfully engaged and informed is the top priority for WSU Advancement at this time. A Philanthropic Communication Team—including colleagues from the WSU Foundation, WSU Alumni Association, University Marketing and Communications, Provost's Office, Cougar Athletics, Office of Research and a representative group from the constituency campuses and colleges—has been established to develop a framework for coordinating communications to Advancement audiences system-wide and to develop strategies for maintaining relationships with our alumni and donors in lieu of face-to-face interactions and targeted solicitations. WSU is sensitive to the changing societal and economic landscape, and will maintain ongoing dialogue with alumni and donors, and strive to be responsive to their wishes and priorities.
- WSU Advancement is in a strong position thanks to the commitment of WSU's generous alumni and friends. As of March 31, 2020, total philanthropic activity was trending nearly 4% higher in FY2020 over the previous fiscal year, with more than \$89.6 million in total commitments received. Outright gifts and pledges are trending 18% higher in FY2020. WSU Foundation leadership realizes that the economic condition will impact future performance and is working closely with development professionals to monitor the situation.

**FY2020 Year-to-Date Philanthropic Activity Report (as of March 31, 2020)**

	FY2020 (7/1/2019 - 3/31/2020)	FY2019 (7/1/2018 - 3/31/2019)	% Change
Outright Gifts and New Pledges	\$48,595,244	\$41,147,577	18.10%
Planned Gifts	\$23,124,304	\$13,877,647	66.63%
Other Contributions	\$1,000,000	\$5,816,860	-82.81%
Private Grants	\$16,937,639	\$25,397,249	-33.31%
<b>Total Philanthropic Activity</b>	<b>\$89,657,187</b>	<b>\$86,239,333</b>	<b>3.96%</b>

- As of February 29, 2020, the WSU Foundation Endowment's market value was \$516,173,293. At the time of this report, The WSU Foundation Endowment will certainly be affected by the economic downturn caused by the COVID-19 pandemic. Although March-end figures are still being confirmed at the time of this report, the WSU Foundation's investment management firm, estimates the endowment totaled \$479 million at March-end, a 7% decrease since February.

May 8, 2020

TO: All Members of the Board of Regents  
SUBJECT: Faculty Senate Report  
SUBMITTED BY: Greg Crouch, Chair

### **2020/2021 Faculty Senate Leadership.**

The following faculty members have been elected to Faculty Senate Leadership:

- Chair-Elect – Doug Call, Regents Professor of Molecular Epidemiology
- Executive Secretary – Matt Hudelson, Associate Professor of Mathematics and Statistics

### **Updates**

When we last presented to the Board of Regents, COVID-19 had not yet forced our move to all online education for the remainder of spring 2020 term. Because of this change, Faculty Senate has been working with the Provost's office, the Registrar, Institutional Research, Information Technology, and Academic Outreach and Engagement, and others on several projects designed to monitor and assist with this transition. Some of these include:

- 1) New pass/fail grading options to protect student GPAs
- 2) New all-university student survey designed to assess the experience of moving from F2F to online so faculty may make adjustments and optimize course delivery for future terms.
- 3) New student data dashboards to monitor term outcomes including:
  - a. Disaggregating grade distributions based on C- and below by first generation, minority, gender, and academic standing.
  - b. Use of new P/F options (disaggregated as above)
  - c. Term and course withdrawals based on COVID-19
- 4) Develop software needs analysis for expanded and improved online instruction. This analysis will connect tools with learning outcomes.

Our goal will be to work with the above-mentioned groups to identify and assist those students impacted by COVID-19. Our goal is to avoid lengthening a student's time-to-degree and to determine methods to enable those students who have cancelled enrollment to return and complete their degree. Disaggregation allows us to monitor disproportionate impacts on underrepresented students.

In addition to responding to COVID-19 related concerns, Faculty Senate has had two members of the executive team participating in essential business:

- Past-Chair AG Rud has continued to represent Faculty Senate on the Roles and Responsibilities Task Force. This task force will complete its report and submit to President Schulz by the end of April 2020
- Chair-Elect Dave Turnbull has completed his work on the search committee for the next Provost and Executive Vice President of WSU with four candidates completing their interviews.

April 29, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: ASWSU Report

SUBMITTED BY: Quinton Berkompas, President

On behalf of the Associated Students of Washington State University, I would like to report the following:

**Covid-19 Response Coordination with Administrators:**

During the Covid-19 outbreak, ASWSU has engaged with students and administrators to ensure students have access to resources needed for their academic success. Early on in the outbreak, ASWSU coordinated with International Programs to support students returning from abroad. Furthermore, ASWSU coordinated with administrators to connect students with the resources for distance learning. During the chaos of the transition, ASWSU served as a bridge to connect students with the administrators that could help them overcome the barriers in their way. We were more active on social media and have fully transitioned to working remotely with Zoom.

**Grocery Reimbursement Program:**

ASWSU launched a grocery reimbursement program to ensure students can put food on their table. The idea stemmed from our goal of supporting student's basic necessities since so many are now facing financial uncertainty as a result of Covid-19. Any WSU Pullman graduate or undergraduate student can receive a \$25 reimbursement per week when they submit their receipt to an online form on Cougsync. Student reception of the program has been overwhelmingly positive. The program's publicity grew faster than expected with stories on local news stations, 10,000 views of an announcement video on Twitter and extensive social media interaction with corresponding posts. We have also coordinated with student government officials at University of Idaho, Clark College and University of Mississippi to assist them in setting up similar programs.

**University Hazing Policy Review Committee:**

ASWSU formed a new committee comprised of students from across campus with the purpose of examining university hazing policy at WSU. The committee's objective is to create a list of recommendations to deliver to administration focused on refining the definition of hazing, increasing the availability of hazing prevention resources, expanding campus awareness of hazing and taking proactive steps to eliminate hazing. The committee composition includes 12 student leaders from ASWSU, Greek Councils, the Cougar Marching Band, Mock Trial, NCAA Athletics and club sports.

**ASWSU Cougar Health Fund:**

Over the first 2 years of fundraising, the ASWSU Cougar Health Fund eclipsed our expectations by raising over \$150,000. While our fundraising excelled, the logistics surrounding the allocation of funding became complicated. After extensive discussion and collaboration, the process for allocating funds from the ASWSU Cougar Health Fund has finally been finished. In an effort to support holistic health initiatives system-wide, representatives from every campus came together to finalize details for the allocation of funds. Two separate pools of money will exist within the ASWSU Cougar Health Fund. One allocated by the Student Government Council and the other allocated by ASWSU. In short, the process solves a messy

**ASWSU Cougar Health Fund (Continued):**

and complex problem about allocation to ensure funding will be available for health initiatives for the 2021-22 academic year.

**CPR Training:**

ASWSU teamed up with UREC in February to offer students Adult CPR and First Aid training for no cost. The collaborative effort between The Student Recreation Center and ASWSU made this event extremely successful with over 75 students participating. Equipping our students with the skills to keep themselves and others safe has been a huge priority of ASWSU over this past year. Our hopes are that this event can be repeated in the future and reach even more students.

**One Love Program:**

ASWSU brought in Brea Kaye, the West Coast Engagement Coordinator for the One Love Organization. The purpose of her visit was to train students in the One Love Escalation Workshop, which focuses on various kinds of relationship violence and how to identify red flags. This workshop opens up a very important conversation that tackles a major issue that WSU students face. The students that chose to complete the workshop training are now facilitators that can go forward and present this workshop to other students and spread awareness on what a healthy relationship looks like.

**Alcohol Safety and Emergency Response Programmings:**

ASWSU worked with the Interfraternity Council to conduct alcohol safety and emergency response programmings for ten fraternities. The programs discussed drinking culture, recent tragic events, the prevalence of preventable alcohol related deaths and training for how to respond in a medical emergencies that have occurred in fraternity chapters across the country. Approximately 500 students participated in the programmings.

**Mental Health Programming:**

ASWSU developed a peer-to-peer mental health presentation to encourage students to practice healthy stress relieving strategies that they can use for the rest of their life. With mental health being an endemic problem for students, we've created a holistic health presentation aimed to address the problem head on. In addition, we've highlighted resources across campus and in the community that students can use throughout their time at WSU. Our hope is to uplift our students who may feel out of control with the stress that comes with a college life, and provide them with various ways to be successful at WSU.

**Service and Activities Fee Waivers Reform:**

ASWSU worked with administration to reform our Service and Activities Fee waiver policy. In FY2019 projections, \$1,081,338 in S&A fees were waived as part of financial aid packages awarded to students. The waivers were distributed without the knowledge or approval of the Service and Activities Fee committee. The new policy in place removes the waivers unless approved by the committee and increases transparency. State mandated fee waivers are not impacted by the policy change. Approximately \$800,000 will be available annually for allocation to student services after fully implemented.

**“Bridging the Divide”:**

A major theme of this year’s ASWSU was to “Bridge the Divide”. In previous years, ASWSU has been viewed as professional, but pretentious and perceived as hard working, but isolated. We set out to change the culture of student government on campus. Our communications plan emphasizes connecting with the students not naturally inclined to focus on ASWSU. This includes paid social media advertising and extensive in person outreach to student groups. We adopted an environment that encourages others to interact with more students and build relationships with a wide array of students of different backgrounds. Overall, we made ourselves present and established a culture of accessibility and approachability.

**Campus Safety and Lighting Project:**

ASWSU and GPSA teamed up to identify the most pressing safety needs on and around campus. The aim of the project is to increase safety for all students at WSU through various projects that incorporate physical safety and additional resourcing for those who are most vulnerable. The project includes two lightup crosswalks on Colorado Street, a Blue Emergency Safety Light at Ruby Street park, sidewalk lighting on NE B Street and increased lighting on campus. Partial funding has been secured with hopes to solicit the remaining funds from other sources.

**Incoming ASWSU Leadership:**

The entire ASWSU executive team remotely transitioned and prepared next year’s student leaders to take over their position. The team is brimming with new ideas, enthusiasm and excellent leadership qualities that are ready to tackle the challenges Covid-19 bears for next year.

These are just a handful of the projects we are working on at this time to provide a transformational student experience. We have a multitude of other initiatives we are undertaking as well. We believe it is our duty to provide resources to and advocate on behalf of the students we represent. We would be more than happy to answer any questions by phone or email at (360) 304-3632 or [aswsu.president@wsu.edu](mailto:aswsu.president@wsu.edu).

Date: May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: GPSA Report

SUBMITTED BY: Jennifer E. Johnson, GPSA President

On behalf of GPSA, I would like to thank the Board of Regents for your continued support of WSU graduate and professional students. It is with great pleasure that I report the following:

**GPSA Research Expo:** The GPSA Research Exposition offers WSU graduate and professional students a forum for presenting their original research, scholarship, and/or creative work. Due to concerns over COVID-19, GPSA made the difficult decision to cancel the in-person Research Expo event. However, we continue to be fully committed to providing graduate students with an opportunity to present their research, receive feedback, and compete for cash prizes. To balance these goals with protecting the health of participants, judges, and volunteers, we held an alternative virtual Research Expo via Zoom. This allowed all participants the chance to present their work, receive feedback, and winners were still able to obtain scholarship awards.

**PDI Update:** The Professional Development Initiative (PDI) continues to be a successful program as it progresses through its fourth official year. This incredible partnership between GPSA, the Graduate School, and the President's Office, truly provides the opportunity for graduate and professional students; postdoctoral students, faculty, and staff to develop both personal and professional skills in order to become a better person, student, researcher, instructor, and/or administrator. Unfortunately, due to COVID-19 we had to cancel many of our spring events, but we were still able to plan and provide six online mindfulness workshops to graduate students.

**Dissertation Grants:** Our Dissertations grants have continued to grow over the past few months. Although this is a new source of funding from GPSA, since it's initiation in January, we have received over 30 applications and plan to fund nearly \$12,000 to help graduate students in their final year finish up their research. Already, we have received very positive feedback on this resource as many students struggle with last minute costs which may hinder their ability to graduate.

**Virtual-based Travel Grants:** A key part of the graduate student experience is attending conferences in order to present research, network, and receive feedback. Many professional conferences were cancelled this semester/summer due to the COVID-19 pandemic. As a result, many students lost personal funds from cancelled flights. The GPSA executive team voted to allow funds to help refund these lost costs, as well as pay for students who needed to travel home for personal reasons. Our goal as an organization is to ensure graduate and professional students have the best possible experience, especially during hard times. As a result, we felt it was essential to use our resources to help students in any way we could.

**Grocery Subsidy Initiative:** In partnership with ASWSU, the GPSA initiated a grocery subsidy program for WSU Pullman students. This program provides reimbursements for students on grocery purchases. The goal of this initiative was to help offset costs and aid many students and families that have been negatively impacted by this pandemic. In just a few weeks we have received over 800 applications from students, providing more than \$10,000 in funds. We are currently seeking additional funding to extend this program into the summer.

May 8, 2020

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Administrative Professional Advisory Council Report

SUBMITTED BY: Stephanie Rink, Chair

The Administrative Professional Advisory Council is pleased to report the following:

1. APAC will hold elections on May 14 to elect new council members and a new executive team. This is later than normal but due to COVID-19 we had to postpone our elections.
2. APAC will be awarding 6 Administrative Professionals the AP Contribution Award and presenting at our May meeting.
3. Due to COVID-19, APAC postponed the spring seminar to be held in fall 2020. This seminar will be in coordination with the Carson College of Business. Our speaker is Jan Hargrave, a leading expert in behavioral authority and body language will present "Actions Speak Louder Than Words: Understanding Nonverbal Communication".
4. Due to COVID-19 APAC canceled the April meeting and professional development speaker to allow our members to assist our faculty and staff with teaching and working remotely.
5. APAC continues to have a voice on several university committees and councils including the Fiscal Health Advisory Committee, the Strategic Planning and Institutional Effectiveness Council, and The Commission on the Status of Women, among others.
6. APAC continues monthly council meetings where all APs are encouraged to attend, and VPs and upper administration are asked to present on initiatives and updates throughout the year. APAC Executive Leadership will continue to meet with President Schulz monthly discussing issues brought forth from APs throughout the WSU system.

May 8, 2020

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Alumni Association Progress Report

SUBMITTED BY: Jane Yung, WSUAA President 2019-20  
Tim Pavish, WSUAA Executive Director

### **Rapid Response to Need for Virtual Alumni Engagement**

The WSUAA responded quickly to the need to switch from in-person alumni events and activities to virtual online engagement as alumni began to shelter at home. The WSUAA cancelled 48 in-person events and processed reimbursements for all registered participants. At the same time, it created 46 online events and curated an additional 27 online programs from other WSU units. The wide variety of online programming is intended to help Cougs engage, learn, and grow virtually. In addition, the Association has expanded career and networking support. The WSUAA recently launched its *Cougar Career Academy* (CCA) to help Cougs deal with the career challenges brought on by the pandemic. Recent CCA sessions included a resumé workshop and a LinkedIn profile-optimization class. CCA will conduct an upcoming peer panel of '08 graduates who will share with more recent grads their stories of career success in the face of the Great Recession.

The Association has also assembled live and on-demand programming from a variety of sources. Offerings include Self-Confidence and Self-Esteem, Dismantling the Imposter Syndrome, and Cooking with WSU's HBM Executive Chef. In order to appeal to a broad audience, topics range from educational to entertaining.

To keep chapter and club volunteer leaders engaged, the WSUAA is conducting a series of Zoom sessions for them to interact with officers, administrators, Board members, and staff. These twice-monthly sessions provide information updates, allow volunteers to brainstorm online engagement concepts for chapters and clubs, and answer questions about WSU in this new environment. The WSUAA is grateful for the participation of university leaders including Kirk Schulz, Lisa Calvert, and Pat Chun.

### **Alumni Helping Students**

WSUAA chapter volunteers and staff have conducted food drives for students at WSU Vancouver, WSU Pullman, and WSU Tri-Cities. Alumni were asked to leave donations of non-perishable food items on their front porch, and volunteers collected the donations following social-distancing guidelines. Due to the success of these efforts, WSUAA chapters are planning food drives to help other WSU campuses and to assist their local communities in other ways.

### **Keeping Members Connected When It's Needed Most**

As the economic impact of the COVID-19 pandemic becomes more widespread, many Cougs are facing financial challenges. For WSUAA Annual Members in this situation, the WSUAA is providing a six-month extension of annual memberships at no cost. This helps to ensure that Annual Members continue to have access to the benefits of membership (including career and networking support) and that WSU continues to stay connected with this important group of Cougs.

### **Introducing WSUAA Officers for 2020-21**

Following Virtual Commencement on May 9, the following WSUAA officers will transition to their new leadership roles:

- President Doug Willcox '65 of Palouse, retired engineer and farmer
- President-Elect Shelly Spangler '07 of Denver, Manager of Finance, SCL Health Saint Joseph Hospital
- Vice President Mark Schuster '95 of Richland, VP Supply Chain, Lamb Weston
- Immediate Past President Jane Yung '93 of Bellevue, Executive Compliance & Risk Officer, UW
- Chapter Presidents Representative Lester Barbero '10 of Honolulu, Mechanical Engineer, Pearl Harbor Naval Shipyard & IMF

WSUAA—Responding to the needs of WSU and our alumni.

# **ACTION ITEM #1**

Election of Officers  
(Brett Blankenship)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Election of Officers

**PROPOSED:** That Brett Blankenship be re-elected as Chair of the WSU Board of Regents for the year beginning July 1, 2020 and that Marty Dickinson be re-elected to serve as Vice Chair of the WSU Board of Regents for the year beginning July 1, 2020, with the understanding that she shall act as Chair pro tempore in the absence of the Chair, with the power to preside at the meetings and to sign all instruments required to be executed by the WSU Board of Regents.

**SUBMITTED BY:** Brett Blankenship, Chair, Board of Regents

**SUPPORTING INFORMATION:** Excerpt from the Board of Regents bylaws, Article I, Section 3 (Election and Appointment Process):

Election and Appointment Process. At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

## **ACTION ITEM #2**

### **Bylaws Modification – Article I: Officers of the Board and Faculty Representative (Kirk Schulz)**

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Proposed Bylaws Modification – Article I: Officers of the Board and Faculty Representative

**PROPOSED:** That the Board of Regents modify its Bylaws to reflect the practice and procedure for selection of a Faculty Representative to the Board.

**SUBMITTED BY:** Kirk Schulz, President

**SUPPORTING  
INFORMATION:** **Background**

In Fall 2018, Faculty Senate requested that a non-voting faculty member be appointed to the Board of Regents. At that time, the goal was to improve decision-making on behalf of both governing bodies by facilitating the exchange of ideas and perspectives as well as meeting shared challenges and opportunities cooperatively. During the trial period since Fall 2018, Faculty Senate representation on the Board of Regents has fostered significant improvements in dialog and transparency between the two organizations. The Faculty Senate requests that the Board of Regents adopt a proposed amendment to their bylaws, continuing and formalizing this relationship.

#### **Bylaws**

Following is an excerpt from the Board of Regents Bylaws with draft modifications:

#### **Article 1: Officers of the Board and Faculty Representative**

1. **Membership.** The governance of Washington State University (University) shall be vested in a Board of Regents (Board) consisting of ten (10) members (Regents), one (1) of whom shall be a student.
2. **Designation.** The Officers of the Board shall consist of a President, who shall also be known as the Chair of the Board (Chair), and a Vice Chair, Secretary, and Treasurer.
3. **Election and Appointment Process.** At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

The President of the University shall serve as Secretary of the Board as prescribed by RCW 28B.30.135. Secretary of the Board, where used in these Bylaws hereinafter, shall refer to the President of the University.

The Treasurer of the Board shall be the Vice President for Finance and Administration of the University, unless the Board in its discretion appoints another individual to this office.

4. **Chair.** The Chair of the Board shall preside at all meetings of the Board and shall sign all written instruments on behalf of the Board that are necessary to implement programs and policies which have been approved by the Board. The Chair of the Board shall have the authority and responsibility to perform the duties customarily attached to the office and shall have such other authority and duties as prescribed by these Bylaws, Board of Regents Policies (Board Policies), and the Board.
5. **Vice Chair.** The Vice Chair of the Board shall have the authority to perform the duties of the Chair of the Board in the event of the Chair's absence or incapacity. The Vice Chair may have such other authority and duties as prescribed by these Bylaws, Board Policies, and the Board.
6. **Secretary.** The Secretary of the Board shall not have the right to vote. The Secretary shall be responsible for giving notice of all meetings of the Board, and recording and keeping of the minutes of the proceedings of the Board; shall be the custodian of all official records of the Board; shall attest all instruments required to be signed by the Chair of the Board; and shall perform all the duties pertaining to the office and do all other things required by the Board.
7. **Treasurer.** The Treasurer shall not have the right to vote. The Treasurer shall be the financial officer of the Board and shall render a true and faithful account of all moneys received and paid out.
8. **Vacancies in Office and Removal.** In the event of a vacancy in the office of Chair, the Vice Chair shall assume the office of the Chair, serving both the

unexpired term of the Chair and the full term as Chair as provided in Article 1, Section 3, of these Bylaws. In the event of a vacancy in the office of Vice Chair, the Board shall elect a Vice Chair to complete the unexpired term of the Vice Chair. A new election is then required as provided in Article 1, Section 3.

The Chair and Vice Chair of the Board may be removed from their respective positions as an officer of the Board by a majority vote at a regular or special meeting of the Board. Removal under this paragraph shall not affect the officer's continued service as a Regent.

**9. Faculty Representative.** The Faculty Representative shall not have the right to vote but is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its committees for discussion. The Faculty Representative serves a one (1) year term, commencing on July 1. The outgoing chair of the University's Faculty Senate is the presumptive nominee to serve as Faculty Representative, subject to approval by majority vote of the Faculty Senate. If the outgoing chair is not approved by the Faculty Senate or chooses not to serve all or any part of their term, the Faculty Senate shall nominate another member of the Faculty Senate Executive Committee by majority vote. In the event that legislation is passed authorizing a faculty member to serve as a member of the Board, such legislation shall supersede and replace this section.

Attachment: Attachment A: Bylaws of the Board of Regents of  
Washington State University – Redline Copy

## Attachment A

### Bylaws of the Board of Regents of Washington State University

#### Article I: Officers of the Board **and Faculty Representative**

1. Membership. The governance of Washington State University (University) shall be vested in a Board of Regents (Board) consisting of ten (10) members (Regents), one (1) of whom shall be a student.

2. Designation. The Officers of the Board shall consist of a President, who shall also be known as the Chair of the Board (Chair), and a Vice Chair, Secretary, and Treasurer.

3. Election and Appointment Process. At its regular meeting held after the first Wednesday in April of each year, the Board shall hold elections to fill the offices of Chair and Vice Chair. The Board shall elect a Vice Chair, as nominated by the Executive Committee, based upon the advice of the Board and in consultation with the President of the University. The Vice Chair shall hold office for a one-year (1-year) term, commencing on July 1. Except in the case of resignation or removal, or other exigent circumstances, the Vice Chair shall then automatically succeed as Chair of the Board the following year and shall hold the office of Chair for one-year (1-year), commencing on July 1.

The President of the University shall serve as Secretary of the Board as prescribed by RCW 28B.30.135. Secretary of the Board, where used in these Bylaws hereinafter, shall refer to the President of the University.

The Treasurer of the Board shall be the Vice President for Finance and Administration of the University, unless the Board in its discretion appoints another individual to this office.

4. Chair. The Chair of the Board shall preside at all meetings of the Board and shall sign all written instruments on behalf of the Board that are necessary to implement programs and policies which have been approved by the Board. The Chair of the Board shall have the authority and responsibility to perform the duties customarily attached to the office and shall have such other authority and duties as prescribed by these Bylaws, Board of Regents Policies (Board Policies), and the Board.

5. Vice Chair. The Vice Chair of the Board shall have the authority to perform the duties of the Chair of the Board in the event of the Chair's absence or incapacity. The Vice Chair may have such other authority and duties as prescribed by these Bylaws, Board Policies, and the Board.

6. Secretary. The Secretary of the Board shall not have the right to vote. The Secretary shall be responsible for giving notice of all meetings of the Board, and recording and keeping of the minutes of the proceedings of the Board; shall be the custodian of all official records of the Board; shall attest all instruments required to be signed by the Chair of the Board; and shall perform all the duties pertaining to the office and do all other things required by the Board.

## Attachment A

7. Treasurer. The Treasurer shall not have the right to vote. The Treasurer shall be the financial officer of the Board and shall render a true and faithful account of all moneys received and paid out.

8. Vacancies in Office and Removal. In the event of a vacancy in the office of Chair, the Vice Chair shall assume the office of the Chair, serving both the unexpired term of the Chair and the full term as Chair as provided in Article 1, Section 3, of these Bylaws. In the event of a vacancy in the office of the Vice Chair, the Board shall elect a Vice Chair to complete the unexpired term of the Vice Chair. A new election is then required as provided in Article 1, Section 3.

The Chair and Vice Chair of the Board may be removed from their respective positions as an officer of the Board by a majority vote at a regular or special meeting of the Board. Removal under this paragraph shall not affect the officer's continued service as a Regent.

9. Faculty Representative. The Faculty Representative shall not have the right to vote but is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its committees for discussion. The Faculty Representative serves a one (1) year term, commencing on July 1. The outgoing chair of the University's Faculty Senate is the presumptive nominee to serve as Faculty Representative, subject to approval by majority vote of the Faculty Senate. If the outgoing chair is not approved by the Faculty Senate or chooses not to serve all or any part of their term, the Faculty Senate shall nominate another member of the Faculty Senate Executive Committee by majority vote. In the event that legislation is passed authorizing a faculty member to serve as a member of the Board, such legislation shall supersede and replace this section.

### Article II: Meetings of the Board

1. Regular Meetings. Regular meetings of the Board shall be held pursuant to a schedule adopted yearly by resolution of the Board. There shall be no fewer than six (6) meetings scheduled on a yearly basis. Regular meetings include Board of Regents retreats scheduled in accordance with the regular meeting process. The Secretary of the Board, with the concurrence of the Chair of the Board, may cancel or change the date of any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

2. Special Meetings. The Secretary or the Chair of the Board, or a majority of the members of the Board of Regents, may call a special meeting at any time. Not less than twenty-four (24) hours before any special meeting, the Secretary of the Board shall have notified each member of the Board by written notice of the time, location, and the business to be transacted at the meeting. Such notice shall be distributed and posted, and such meeting shall be conducted in accordance with the laws of the state of Washington governing such meetings.

## Attachment A

3. Committee Meetings. Meetings of Board committees, as provided for in these Bylaws and in Board Policies, may be held before regular or special meetings, or at such time and such place as the Committee Chair may direct from time to time. All committee meetings shall be held in conformance with the laws of the state of Washington governing such meetings.

4. Notice and Agenda for Regular Meetings. Not less than seven (7) calendar days before any regular meeting, the Secretary of the Board shall transmit a meeting agenda to each member of the Board.

5. Addenda to the Agenda of Board Meetings. Those University officials who are authorized to bring agenda items to the Board may propose addenda to a regular meeting agenda in exceptional circumstances, such as when prompt Board attention is required and the need to place the matter on the agenda was unforeseen, with the concurrence of the Secretary of the Board. Items added to the agenda by University officials must be submitted to the Board not less than twenty-four (24) hours prior to a regular meeting. Material must be submitted through the Secretary of the Board and must be in accordance with guidelines and procedures established for the submittal of items for the agenda.

The Board may add items to the agenda of a regular meeting, and take final action upon such additions, at any time prior to the conclusion of the meeting.

The Board may add items to the agenda of a special meeting at any time prior to the conclusion of the meeting, except that final disposition may not be taken on any matter added to the agenda unless timely notice to the addition has been given as required by law.

6. Quorum. Six (6) Regents shall constitute a quorum for the transaction of business at all regular and special meetings. A majority of the Regents present must approve all items requiring action by the Board.

7. Minutes. The Secretary of the Board shall keep the minutes of all regular and special meetings of the Board. Such minutes shall be distributed with the agenda in preparation for the subsequent meeting and, following approval shall be open to public inspection in the Office of the President during regular University business hours and shall also be posted on the University's Board of Regents web page.

8. Public Meetings. Regular and special meetings of the Board and Committees shall be open to the public in conformance with the laws of the state of Washington governing such meetings.

9. Executive Sessions. During any regular or special meeting of the Board, the Board may hold an executive session to discuss matters as permitted by applicable laws of the state of Washington.

10. Communications to the Board. Any person who wishes to bring a matter to the attention of the Board may do so by submitting written communication to the Board

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at the following address: c/o Office of the President, Washington State University, P.O. Box 641048, Pullman, Washington 99164-1048.

11. Appearance Before the Board. The meetings of the Board are intended for presentation of agenda items by the Regents, President, Provost and Executive Vice President, Vice Presidents, Chancellors, **Faculty Representative**, other University officials, as requested by the President, and the Senior Assistant Attorney General for discussion and action by members of the Board. Appearance via videoconferencing or telephone is acceptable, rather than appearing in person. Additionally, time shall be provided for public comment at each Board meeting.

- A. Request to Provide Public Comment. Individuals who wish to provide public comment during a meeting of the Board must provide their name and any relevant title(s) or affiliation(s) on the sign-up sheet. The request should also set out clearly the topic to be presented.
- B. Time Allocation. The chair of the Board may reasonably limit the amount of time allocated for the public comment period for each speaker and for each issue. Public comments will take place during the scheduled public comment period. Unless otherwise indicated on the agenda or by the chair, the public comment period will be for ten (10) minutes, with a two-minute (2-minute) limit per speaker, and will occur at the end of the Board meeting.
- C. Scheduling of Speakers. Speakers who sign up in advance and who are commenting on matters before the Board will be given priority during the public comment period. Should a large number of speakers wish to speak on the same issue or topical area, the Chair of the Board may ask representatives of the group to summarize their colleagues' statements, or limit the number of speakers on a given topic. If, by virtue of time or other constraints, a speaker is not able to present his/her comments, said comments may be distributed in writing to the Office of the President for distribution to the Regents.

No University officer, faculty, staff, or other employee or student of the University shall submit any matter to the Board for official consideration except as provided by the guidelines and procedures established for the submittal of items for the agenda.

12. Guidelines and Procedures for Submittal of Agenda Items to the Board. The topics of business to be introduced at a regular or special meeting shall be included on the Agenda by observing the following guidelines.

- A. Agenda items may be submitted only by an appropriate University official as follows: *Regents, President, Provost and Executive Vice President, Vice Presidents, Chancellors, Faculty Representative, other University officials as requested by the President, and the Senior Assistant Attorney General.*
- B. All items submitted to the Board for action must first be submitted to and discussed by the appropriate Committee, as provided in Article III of these

## Attachment A

Bylaws, at least one (1) Committee meeting prior to the meeting at which action will be requested, except:

(1) Items of a routine nature may be discussed by the appropriate Committee and brought before the Board at the same meeting in which action will be requested; and

(2) The Board Chair may suspend the requirement outlined in this Subsection as to any action item brought before the Board.

C. The Board may make use of a consent agenda for any item that the Board has determine to be “routine” or matters about which the Board commonly concurs. Items on the consent agenda will not be discussed prior to action. However, if any Board member believes that any item on the consent agenda requires discussion, that Board member may remove the item from the consent agenda merely by requesting the same.

D. All items to be included in the agenda must be submitted in writing no later than ten (10) days prior to the Board meeting to the Secretary of the Board, who shall be responsible for preparation and distribution of the Agenda, except as otherwise allowed by Article II, Section 5 of these Bylaws.

13. Rules of Procedure. *Robert's Rules of Order*, latest revised edition, shall govern all meetings of the Board, except where such rules of order are superseded by these Bylaws, Board Policies, or applicable statutes or regulations.

### Article III: Committees of the Board

1. Standing Committees of the Board. In addition to an Executive and Governance Committee, the Board will have standing committees to consider matters and address issues in the following areas, including but not limited to: Research, Academic Affairs, Student Affairs, Finance and Administration, Compliance and Audit, Athletics, Infrastructure, Strategic Planning, Government Affairs, and Institutional Advancement. Through the Committees, Board members explore critical governance issues and communicate with University administration and others who share in the governance of the University. Detailed committee charters are set forth in Board Policies.

No Committee may act on behalf of the Board on matters requiring Board action, except for the Executive and Governance Committee in emergency situations as noted in the Executive and Governance Committee Charter. All Committees shall refer such matters to the Board for appropriate action in a regular or special meeting.

Following Board elections, as outlined in Article I, Section 3, the Chair of the Board shall make Committee appointments, including an appointment of a chairperson to each of the Committees. Each Committee shall consist of at least three (3) members, including the Committee chairperson and a member of the Executive Committee. The student Regent shall serve on the Student Affairs and Student Life Committee, and may serve on any other committee, as appropriate. The President shall appoint ex officio members from among the officers of the University who, in consultation with the Committee chairs, shall

## Attachment A

be responsible for development of Committee agendas and for making recommendations to the Board.

2. Ad Hoc Committees of the Board. Ad hoc committees may be established by the Chair, from time to time, as he or she may deem necessary or advisable to handle specific tasks or objectives in fulfillment of duties and responsibilities of the Board. However, such ad hoc committees shall refer all matters for action to the full Board, unless such authority has been expressly delegated to the ad hoc committee.

### Article IV: Officers of the University

1. University President. The University President shall be appointed by the Board (excluding the student Regent) and shall serve at the pleasure of the Board. The University President shall be the chief executive officer of the University and shall be responsible directly to the Board for the management and conduct of all the affairs of the University except those which have been reserved by the Board or which by law, these Bylaws, or other policies or orders of the Board are the specific responsibility of other persons or bodies. The University President is authorized to attend all regular and special meetings of the Board and its Committees, unless requested otherwise in specific instances by the Board or Committee, and is authorized to bring matters before the Board or any of its Committees for discussion.

2. Other Officers. The University President is the delegated authority to appoint the University's Provost and Executive Vice President, Vice Presidents, Deans, Chancellors, and other officers as may be necessary for assistance in efficiently carrying out the responsibilities of the chief executive officer of the University. All such officers of the University shall be under the general supervision of and shall exercise such powers and duties as may be prescribed by the University President.

### Article V: Faculty **Senate**, Staff, Student, Alumni, and Foundation Representatives

1. The Chair of the Faculty Senate, the Chair of the Administrative Professional Advisory Council, the President of the Graduate and Professional Student Association, the President of the Associated Students of Washington State University for a particular campus (as determined by the Board Chair), the President of the Alumni Association, and the Chair of the WSU Foundation Board of Governors shall periodically report, as a representative of their respective organizations, to the Board of Regents at its public meetings.

2. The President or Chair of each of these organizations may designate the Vice President or Vice Chair, or the University Vice President responsible for that area, to represent him or her at the meetings of the Board, but may not designate any other person.

3. Participation is at the expense of the organizations of the aforementioned representatives and not an expense obligation of the Board. Appearance via videoconferencing or telephone is acceptable, rather than appearing in person.

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4. Notice of public meetings shall be given to such representatives in the same manner as notice is given to members of the Board.

5. Not less than five (5) days before any regular meeting, the Secretary of the Board shall transmit to each representative a final Agenda setting forth the matters that are to be considered at the meeting.

6. Such representatives shall be entitled to speak during the public meeting through scheduled presentations to the Board as set forth in the Board of Regents meeting Agenda. The representatives shall not be entitled to vote on matters brought before the Board.

7. Prior to any meeting at which a representative is scheduled to speak, the representative of each group shall submit a one-page (1-page) report to the Board to be included in the Agenda in accordance with the guidelines for submittal of Agenda material as outlined in Article II, Section 12, of these Bylaws.

### Article VI: Exercise of Powers

1. Suspension of the Bylaws. Any provision of the Bylaws may be suspended in connection with the consideration of a matter before the Board by a majority vote of the members of the Board.

2. Student Regent. The student regent shall excuse himself or herself from participating in or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel per RCW 28B.30.100.

### Article VII: Board of Regents Policies.

1. Policies. The Board may adopt Board Policies, not inconsistent with these Bylaws, for the governance of the University and the regulation of the business of the Board. Except as otherwise specified in a particular Board Policy, the Board may amend or repeal any Board Policy in whole or in part at any meeting of the Board.

### Article VIII: Amendments

1. Procedure. These Bylaws may be amended at any regular or special meeting of the Board by the affirmative vote of a majority of the Regents, as defined in Article II, Section 6, of these Bylaws.

### Article IX: Special Provisions Relating to Regents

1. Compensation and Expenses. No Regent shall receive a salary or compensation for services as a Regent. Regents shall be reimbursed for actual expenses

## **Attachment A**

incurred by reason of attendance at any meeting of the Board or in the performance of other official business of the University in accordance with RCW 43.03.050 and 43.03.060 and any Board Policy addressing the same.

# ACTION ITEM 1

## 2021-2023 Biennial Operating Budget Request (Stacy Pearson/Colleen Kerr)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: 2021-2023 Biennial Operating Budget Request

PROPOSED: That the WSU Board of Regents approve the 2021-2023 Biennial Operating Budget Request and the Board delegate authority to the President to approve changes or adjustments that may need to be made before the submission is finalized for presentation to the Office of Financial Management.

SUBMITTED BY: Stacy Pearson, Vice President, Finance and Administration

SUPPORTING INFORMATION: A 2021-2023 Biennial Operating Budget request will be submitted to the Office of Financial Management this fall in accordance with their instructions, which will be published later this spring. We are aware that the State's budget directives are subject to change due to the impacts of COVID 19 and the items below represent our top priorities.

Medical School Completion Funding approx. \$3.6M

Salaries for Faculty, Staff, and Graduate Students (Amount represents a 1% increase each of the two years. WSU will coordinate with other institutions on the final requested percentage.) approx. \$9.5M

Maintenance and Operations of new Buildings approx. \$0.9M



# BOARD OF REGENTS

## FY2021-2023 Biennial Operating Budget Request

### Resolution #200508-625

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 WSU Board of Regents approve creating decision packages to be submitted as the 2021-2023 Biennial Operating Budget Request as outlined in the list below and delegate authority to the President to approve final detailed decision packages for this request, including any changes to the packages, which will address critical funding issues for the University.

Medical School Completion Funding	approx. \$3.6M
Salaries for Faculty, Staff, and Graduate Students (Amount represents a 1% increase each of the two years. WSU will coordinate with other institutions on the final requested percentage.)	approx. \$9.5M
Maintenance and Operations of New Buildings	approx. \$0.9M

Dated this 8th day of May, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents

## **ACTION #2**

### **2021-2023 Biennial Capital Budget Request (Stacy Pearson/Olivia Yang/Colleen Kerr)**

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** 2021-2023 Biennial Capital Budget Request Approval

**PROPOSED:** That the Board of Regents approve the 2021-2023 Biennial Capital Budget Request and delegate authority to President to designate specific projects for the mini majors "Stand Alones" category.

**SUBMITTED BY:** Stacy Pearson, Vice President for Finance and Administration

**SUPPORTING  
INFORMATION:**

WSU has recently presented the challenging conditions of our academic facilities and research labs to the Regents, highlighting the negative impacts of declining facility conditions and the extensive deferred maintenance backlog on our academic and research mission. We also provided an overview of a revised capital planning and budget process to improve the effectiveness of and to better leverage our state capital funds. Based on this revised process and the feedback received, we are submitting the following State Capital Budget request for 2021-23.

**The 2021-23 State Capital Budget request is as follows:**

<b>WASHINGTON STATE UNIVERSITY</b>					
<b>2021-23 State Capital Budget Funding Request</b>					
					<b>State Request</b>
<b>Priority</b>	<b>Project</b>	<b>Type</b>	<b>Theme</b>	<b>Stage</b>	<b>2021-23</b>
	Minor Capital Preservation (MCR)	Minor	Preservation	Pool	\$ 35,000,000
	Minor Capital Program (MCI & Omnibus Equip.)	Minor	Research	Pool	\$ 10,000,000
	Johnson Hall Demolition--Def maint and new bldg site	Mini-Major	Space Optimization	D/C	\$ 8,000,000
	Water Storage Tank-critical Infrastructure/fire suppression	Mini-Major	Infrastructure	D/C	\$ 8,000,000
	Vancouver Life Sciences Building	Major	Learning	C	\$ 52,500,000
	Spokane Health Sciences Renovation PhI Biomedical	Major	Learning	D/C	\$ 15,000,000
	Pullman Life and Physical Sciences Building	Major	Learning	PD	\$ 500,000
	Engineering Renovation/Replacement Ph 1	Major	Learning	PD	\$ 500,000
	Learning (undergraduate teaching labs)	Mini-Major	Learning	D/C	\$ 4,900,000
	Research	Mini-Major	Research	D/C	\$ 4,900,000
<b>2021-23 State Capital Budget Request</b>					<b>\$ 139,300,000</b>
	Preventive Maintenance Budget to Capital (Assumes Permanent)		Operations	Pool	\$ 10,115,000
	Target Reappropriation		All		\$ 5,000,000
					<b>\$ 154,415,000</b>

Our top request is preservation dollars to support the mitigation of the deferred maintenance backlog.

- Johnson Hall is on the current proposed site for the new \$105 million federally funded USDA Agricultural Research Services (ARS) facility. The demolition of this building will allow the current operations and maintenance (O&M) budget to be transferred to support the O&M costs of operating the new USDA ARS facility, which the University is required to provide.
- The Campus Fire Protection/Domestic Water tank is over 50 years old and is critical to maintaining the domestic water supply and to provide fire protection for the Pullman campus.
- The WSU Vancouver Life Science building is a construction request based on predesign and design appropriation in previous biennia, and is critical to supporting our research and outreach mission.
- The Spokane Health Sciences renovation project will upgrade existing space to be utilized as the first phase of Spokane’s BioMedical building and provides greatly needed health sciences space in a shorter time frame.
- The Pullman Life and Physical Sciences building predesign has been on the State request for the past four years and is critical to support the research mission and the Science, Technology and Math foundation courses in the Life and Physical sciences.
- Engineering predesign is critical to support capital investment in VCEA in support of STEM education. State funding can also be used to leverage private donations to expand the investment in engineering facilities.
- The Learning and Research mini-majors or “Stand Alones” address capital needs across the system in teaching and research in a more timely manner.

Following the Regents action in May, WSU will prepare the formal budget request for submission to the Washington State Office of Financial Management (OFM) by the September 2020 deadline.

**BOARD OF REGENTS**  
2021-2023 Biennial Capital Budget Request

**Resolution #200508-626**

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 approve the FY2021-2023 Biennial Capital Budget Request and delegate authority to President to designate specific projects for the mini majors "Stand Alones" category.

Dated this 8th day of May, 2020.

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Chair, Board of Regents

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Secretary, Board of Regents

**ACTION ITEM #3**  
FY2020 Athletics Budget Update  
Impact of COVID-19  
(Stacy Pearson/Pat Chun)

May 8, 2020

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: FY2020 Athletics Budget – Impact of COVID-19

PROPOSED: That the Washington State University Board of Regents approve the projected changes to the FY2020 Athletics budget that are a result of the COVID-19 pandemic. Changes include reductions to both revenue and expenses.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

SUPPORTING  
INFORMATION:

Washington State University has implemented a fiscal recovery plan for WSU Athletics to achieve an operating breakeven position by FY2023. This plan also ensures that WSU is fully compliant with [RCW 28B.15.120](#) (Board of trustees or regents—annual budget requirements), which requires certain actions of state college and university boards related to the budgets of intercollegiate athletics programs.

The statute requires that the WSU Board of Regents specifically approve, in an open public meeting, any expenditure over two hundred fifty thousand dollars that was not included in the approved annual budget. While the impacts of COVID-19 on the Athletics budget is projected to result in a larger FY2020 deficit, this is not due to an increase in expenditures. In fact, the expenditures have declined, but this decrease is offset by a significant decrease in estimated revenues that has resulted a larger FY2020 deficit projection of approximately \$1.9 million.

These revenue reductions are primarily driven by the unforeseen cancellation of numerous athletics events. With respect to revenue we are anticipating potential reductions in NCAA/Pac-12 distributions, fundraising and ticket sales. On the expense side, we expect to realize savings in the areas of team travel and game expenses due to the cancellation of all spring seasons. We also expect reductions in recruiting expense as all coaches are complying with the “Stay Home, Stay Safe” directive from the Governor.

Due to the rapidly changing environment, it would be premature to make any changes to the projections for FY2021-FY2024 at this time. Athletics is working to anticipate the impacts of COVID 19 to develop the FY2021 budget in the next month, along with associated projections for future years. The FY2021 budget will be presented to the WSU Board of Regents at the June 2020 retreat.

ATTACHMENTS: Attachment A: April 2020 Update to the FY2020 Approved Operating Budget with Revenue and Expenditure Impacts Related to the COVID 19 Pandemic.

Attachment B: Athletics Five Year Annual Operating Budgets Approved by the WSU Regents FY2020-2024.

## Washington State University Athletics Budget - Projected

	FY2020	Jan Update	April Update		
<b>REVENUES:</b>					
01 - Ticket Sales	8.6	8.6	8.6	(0.0)	Reduced ticket sales (Baseball; \$36.5K)
02 - Direct State/Gov Support	-	-	-	-	
03 - Student Fees	1.5	1.5	1.5	-	
04 - Direct Inst. Support	3.7	3.7	3.7	-	
05 - Less Xfer to Inst.	-	-	-	-	
06 - Indirect Inst. Support	0.4	0.4	0.4	-	
06A - Debt Service, Lease, Rentals	-	-	-	-	
07 - Guarantee Revenue	0.1	0.1	0.1	-	
08 - Contributions	11.1	11.1	10.6	(0.5)	Projected reduction in donations
09 - In-Kind	1.6	1.6	1.6	-	
10 - 3rd Party Compensation	-	-	-	-	
11 - Media Rights	21.9	21.9	21.9	-	
12 - NCAA Distribution	1.5	1.5	0.6	(1.0)	Estimate based on letter from NCAA
13 - Conference Distribution	12.1	12.2	10.5	(1.7)	Estimate based on projections from Pac-12
14 - Program/Concessions etc.	1.1	1.1	1.1	-	
15 - Royalties/Advert. etc.	3.2	3.2	3.2	-	
16 - Sport Camp Revenue	0.3	0.3	0.3	-	
17 - Endowments	0.6	0.6	0.6	(0.1)	Estimate due to stock market reductions (\$64K)
18 - Other Revenue	2.0	4.2	4.2	(0.1)	Lost concession revenues (\$65K)
19 - Bowl Revenue	2.6	1.4	1.4	-	
<b>Total Revenue</b>	<b>72.5</b>	<b>73.6</b>	<b>70.2</b>	<b>(3.3)</b>	
<b>EXPENSES:</b>					
20 - Athletic Aid	11.0	11.0	11.0	-	
21 - Guarantee Expense	1.8	1.9	1.9	-	
22 - Coaches Comp: WSU	14.3	14.3	14.3	-	
23 - Coaches Comp: 3rd Party	-	-	-	-	
24 - Admin Comp: WSU	15.1	15.1	15.1	-	
25 - Admin Comp: 3rd Party	-	-	-	-	
26 - Severance	2.0	3.1	3.1	-	
27 - Recruiting	1.5	1.5	1.2	(0.3)	Estimate based on Spring recruiting cancelled
28 - Team Travel	4.7	4.8	4.0	(0.8)	Estimate based on cancellation of Spring season
29 - Equipment	2.2	2.2	2.2	-	
30 - Game Expenses	2.5	2.5	2.4	(0.1)	Estimate based on cancellation of Spring season
31 - Fund Raising/Marketing	2.4	2.4	2.4	-	
32 - Sport Camp Expense	0.3	0.3	0.3	-	
33 - Spirit Groups	0.2	0.2	0.2	-	
34 - Facilities: Debt/Lease/Rental	9.6	9.6	9.6	-	
35 - Direct Admin Expense	2.0	2.0	2.0	-	
36 - Indirect Inst. Support	0.4	0.4	0.4	-	
37 - Medical/Insurance	0.9	0.9	0.9	-	
38 - Dues & Memberships	2.4	2.4	2.4	-	
39 - Student-Athlete meals	1.0	1.0	1.0	-	
40 - Other Expense	4.7	5.2	5.0	(0.2)	Reduced concession expense; cancelled admin travel
41 - Bowl Expenses	2.1	1.5	1.5	-	
41A - Coaches Bowl Bonuses	0.5	0.5	0.5	-	
<b>Total Expenses</b>	<b>81.7</b>	<b>82.9</b>	<b>81.5</b>	<b>(1.4)</b>	
<b>Net Income from Operations</b>	<b>(9.3)</b>	<b>(9.3)</b>	<b>(11.2)</b>	<b>(1.9)</b>	
<b>56-Capitalized Expenses</b>	<b>6.7</b>	<b>6.7</b>	<b>6.7</b>		
<b>Net Income after Capitalized Expense</b>	<b>(16.0)</b>	<b>(16.0)</b>	<b>(17.9)</b>		
<b>Accumulated Deficit</b>	<b>(92.8)</b>	<b>(92.8)</b>	<b>(94.7)</b>		

## Washington State University Athletics Budget - Projected

	FY2020	FY2021	Projected FY2022	FY2023
<b>REVENUES:</b>				
01 - Ticket Sales	8.6	10.7	11.0	12.0
02 - Direct State/Gov Support	-	-	-	-
03 - Student Fees	1.5	1.4	1.4	1.4
04 - Direct Inst. Support	3.7	3.8	3.9	4.0
05 - Less Xfer to Inst.	-	-	-	-
06 - Indirect Inst. Support	0.4	0.4	0.4	0.4
06A - Debt Service, Lease, Rentals	-	-	-	-
07 - Guarantee Revenue	0.1	0.2	-	0.3
08 - Contributions	10.6	11.7	11.5	12.0
09 - In-Kind	1.6	1.6	1.6	1.6
10 - 3rd Party Compensation	-	-	-	-
11 - Media Rights	21.9	23.0	24.2	25.5
12 - NCAA Distribution	0.6	1.6	1.6	1.7
13 - Conference Distribution	10.5	12.1	12.8	13.0
14 - Program/Concessions etc.	1.1	1.5	1.6	1.7
15 - Royalties/Advert. etc.	3.2	4.5	5.0	5.2
16 - Sport Camp Revenue	0.3	0.3	0.3	0.3
17 - Endowments	0.6	0.7	0.7	0.7
18 - Other Revenue	4.2	2.4	2.5	2.5
19 - Bowl Revenue	1.4	2.7	2.8	2.9
<b>Total Revenue</b>	<b>70.2</b>	<b>78.9</b>	<b>81.4</b>	<b>85.3</b>
<b>EXPENSES:</b>				
20 - Athletic Aid	11.0	11.7	12.0	12.2
21 - Guarantee Expense	1.9	1.3	1.8	1.6
22 - Coaches Comp: WSU	14.3	15.4	14.8	14.9
23 - Coaches Comp: 3rd Party	-	-	-	-
24 - Admin Comp: WSU	15.1	15.3	15.5	15.8
25 - Admin Comp: 3rd Party	-	-	-	-
26 - Severance	3.1	1.7	1.3	-
27 - Recruiting	1.2	1.6	1.6	1.7
28 - Team Travel	4.0	4.7	4.8	5.0
29 - Equipment	2.2	2.3	2.3	2.5
30 - Game Expenses	2.4	2.7	2.7	2.8
31 - Fund Raising/Marketing	2.4	2.5	2.6	2.7
32 - Sport Camp Expense	0.3	0.3	0.3	0.3
33 - Spirit Groups	0.2	0.2	0.2	0.2
34 - Facilities: Debt/Lease/Rental	9.6	10.0	10.0	10.0
35 - Direct Admin Expense	2.0	2.1	2.1	2.2
36 - Indirect Inst. Support	0.4	0.4	0.4	0.4
37 - Medical/Insurance	0.9	0.9	0.9	1.0

38 - Dues & Memberships	2.4	2.5	2.6	2.7
39 - Student-Athlete meals	1.0	1.0	1.0	1.0
40 - Other Expense	5.0	4.6	4.7	4.8
41 - Bowl Expenses	1.5	2.2	2.3	2.4
41A - Coaches Bowl Bonuses	0.5	0.5	0.5	0.5
<b>Total Expenses</b>	<b>81.5</b>	<b>83.9</b>	<b>84.6</b>	<b>84.7</b>
<b>Net Income from Operations</b>	<b>(11.2)</b>	<b>(5.0)</b>	<b>(3.2)</b>	<b>0.5</b>
<b>56-Capitalized Expenses</b>	6.7	0.3	0.0	-
<b>Net Income after Capitalized Expenses</b>	<b>(17.9)</b>	<b>(5.3)</b>	<b>(3.2)</b>	<b>0.5</b>
<b>Accumulated Deficit</b>	<b>(94.7)</b>	<b>(100.1)</b>	<b>(103.3)</b>	<b>(102.8)</b>

We are not projecting any changes to future years at this time. With all the uncertainty at the national, conference and state levels, any projections would be premature. We look forward to presenting our best estimate for the FY21 Athletics budget at the June retreat.