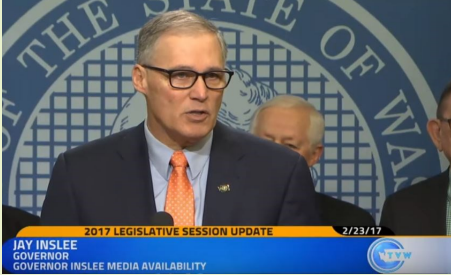


Governor's EO 17-01 Clarifies State Role in Serving and Protecting the Rights of Washington's Immigrants



"This executive order makes clear that Washington will not be a willing participant in promoting or carrying out mean-spirited policies that break up families and compromise our national security and importantly our community safety."

[Full text of Executive Order](#)

On Thursday, February 23, Governor Inslee held a press briefing to outline the parameters of his first Executive Order of the year. EO 17-01 establishes the rules for state agencies relative to Washington immigrants: "We will remain a state that does not collect data on its residents beyond what is legally required or necessary to carry out specific agency duties. We will remain a state that doesn't utilize state employees as agents of the federal immigration services. We respect the role that federal officers have, but those are their roles, not ours."

Citing *Arizona v. US* (2012), the Governor continued: "Unless otherwise required by law, we will not use state resources to demand documents about an individual's immigration status, to assist in the creation or enforcement of a religious registry, or for the purposes of targeting or apprehending people for an alleged violation of federal civil immigration laws."

In response to a reporter's question about possibly losing federal funds in retaliation, the Governor countered, "The federal government cannot willy nilly deny federal benefits to states, counties or cities unconnected to the purpose of that expenditure; they can't do it. So, if they think they're going to jerk the state's Medicaid money because we won't become mini ICE agents, they're wrong. It's not going to happen. They are going to lose in court."

Governor Inslee stressed the point that the order was "for all of us," not just DREAMers or agricultural and construction workers. In closing, Nick Brown, the Governor's general counsel, responded to questions about undocumented residents in our schools and workplaces by repeating a final argument: "Being undocumented is not a crime."



Upcoming Deadlines and Cut-Off Calendar

Friday March 3rd	Nominations Due to CFR: Rep. Timm Ormsby Award for Faculty Citizenship
Wednesday March 8th	Last day to consider (pass) bills in house of origin (5 p.m.).
Wednesday March 29th	Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

 **cfr** council of faculty representatives
Serving Washington State Public Higher Education Since 1971

Reminder: Nominations for the Rep. Timm Ormsby Award for Faculty Citizenship are **due this Friday, March 3rd, at 5pm. See the [CFR Website](#) for details.**

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Weeks 5 and 6: Overview

Sara Singleton, WWU and Steve Hackenberger, CWU

Four issues have dominated the last two weeks: (1) campus sexual violence prevention; (2) open education resources and textbook costs; (3) expansion of tenure and tenure track faculty for the four comprehensive universities; and (4) proposed modifications to the State Need grant award criteria. Additionally, the Academic Freedom bill, SB 5832, originally sponsored by Rep. Manweller (R 13) generated a lot of activity last week. The bill did not survive Senate Ways and Means, but the controversy it stirred and the fact that it is likely to return next session merits a brief mention at the end of this report.

(1) Campus Sexual Violence Prevention. In 2015, the Legislature established a two-year, 14-member Campus Sexual Violence Task Force to develop best practices to promote campus sexual violence awareness, reducing the occurrence of campus sexual violence, develop recommendations for improving institutional policies and procedures, develop recommendations for improving collaboration between institutions and law enforcement, and reporting to the Legislature on its goals and recommendations. During the first week of the 2017 session, the House Higher Education Committee hosted [the task force report led by the Council of Presidents](#). More recently, SB 5764, prime sponsored by Sen. Lisa Wellman (D 41), appeared in the Senate Higher Education Committee and proposed to make sexual violence survivor communications with, and records maintained by, campus-affiliated advocates confidential. Records maintained by a campus-affiliated advocate are not subject to public inspection or copying, unless certain, limited criteria are met. This bill received support from a vast array of higher education stakeholders, notably the members of the Washington Student Association, and made its way out Senate Higher Ed and on to Senate Rules. In Rules, it received some modifications (now SSB 5764) and passed unanimously off the Senate floor. It received its first reading in the House Higher Ed Committee on February 24th, where further supportive testimony is expected next week. CFR included this issue in our 2017 Legislative Agenda to help establish a faculty role in the awareness and prevention components identified by the Task Force.

(2) Open Educational Resources and High Cost of Course Materials. HB 1561 and others: Several bills have been introduced that would address the high costs of course materials through a combination of small faculty grants, the creation of campus coordinators to facilitate use of OER, a task force that would look at alternatives to traditional (expensive) materials and other measures. CFR testified in support of this legislation, and the general concept has bipartisan support. While budget constraints can still derail these legislative efforts to bring down the cost of course materials, institutional initiatives are also gaining steam on some 4-year campuses. See the [bill information page for the latest on the status of HB 1561](#).

(3) Expansion of Tenure Track Faculty. HB 1238: The proposal to expand tenure-track positions in the four comprehensive institutions passed out of the House Higher Education Committee and was referred to House Appropriations on February 15th.

(4) State Need Grant and College Bound Program. The State Need Grant [SNG] is the largest means-tested program for college students in the state. The College Bound Program draws on SNG, but is targeted toward middle-school students who are guaranteed financial support if they fulfill certain requirements.

Overview continues on page 3...



Overview, continued.

(4) **State Need Grant and College Bound Program**, continued. College Bound students receive priority for SNG funds. In 2017 approximately 24,000 students eligible for SNG did not receive it due to funding shortages. There are a number of proposals on the table to address this issue, which basically fall into two categories: those that would stretch existing funds by narrowing the eligibility criteria; and those that would expand current eligibility and fully fund the program. One such bill from the second approach would change the eligibility requirements for College Bound students from the current 70% of the state's median family income to 125% (award amounts would continue to be on a graduated scale, with the most needy receiving full amount, less needy receiving smaller amounts). CFR signed in favor of this bill with UW's JoAnn Taricani testifying in support. Another bill would expand the College Bound eligibility criteria to include the so-called "dreamers." CFR also signed in supporting this bill. For the first approach---narrowing eligibility---- SB 5820 is the primary legislative vehicle through the establishment of a GPA requirement of 2.25 for the first year and 2.5 thereafter; it also channels students into high-demand fields through financial incentives. It does contain several exceptions such as the birth of child, etc. Testimony "with concern" and "con" was very strong, with overlapping arguments from administrative representatives, faculty and students. Similar testimony followed in Senate Ways and Means. CFR is reaching out to senators and representatives with cautions about putting GPA criteria and high demand degree priorities (merit based criteria) into a NEED Grant in a Omnibus Bill. CFR opposed this problematic bill with both JoAnn Taricani and CWU's Steve Hackenberger testifying in the Senate Higher Ed Committee.

We will be following the **Washington Promise Bill (HB 1840)** with great interest. This bill would create a means-tested (70% of Median Family Income/MFI cutoff) program of free community and technical colleges. CFR's concern on this bill is that it would direct lower-income students to CCs, rather than the 4-year schools, thus setting up a double standard for families of different incomes when seeking a 4 year degree. Once again, cost considerations are likely to rule this bill out for this session.

Finally, HB 1362 and its Senate companion SB 5832 comprise the 2017 effort to advance the "Academic Bill of Rights." The House bill, originally sponsored by Rep. Matt Manweller (R 13), didn't seem likely to receive a hearing in the Higher Education Committee this session. So, within the last days to pass a bill out of the chamber of origin, the Senate companion bill was drafted and received a hearing and a new sponsor, Sen. Lynda Wilson (R 17). Senator Wilson is also the new chair of the Senate Higher Education Committee. The bill once again prompted both cool assessments and passionate debate from students, faculty and institutions. Some claimed the bill contained inherent legal challenges, specifically to Title IX and the Constitution. Others appreciated its proposed protections for free expression. Some questioned the bill's true intent, while others questioned its necessity. Many higher ed stakeholders were as wary of this iteration of the bill as they were when the American Legislative Exchange Council (ALEC) first introduced it in 2004. It has undergone some revision since then, though the basic tenets remain. Following the hearing in the Senate, the bill was swiftly exec'd to Senate Ways and Means on February 22. And there it is said to remain, until next time. This year's version of [the bill is linked here](#).

###

Extra Reminder: Nominations for the Rep. Timm Ormsby Award for Faculty Citizenship are **due this Friday, March 3rd, at 5pm!** Your Faculty Senate/Leadership is conducting the nomination process. Please see [CFR's website](#) for nomination forms and additional details.

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02/27/2017

Issue Spotlight: Faculty on Board

On January 19, HB 1437—adding a faculty member to the board of regents at the research universities—received its first reading and was referred to the House Higher Education Committee (HHE). On February 8, HHE conducted a public hearing on the bill and exec'd it out on February 14 with a majority “do pass” vote; it was then referred to House Rules to review on February 16. On February 24, the Rules Committee was “relieved of further consideration,” and the bill was placed on a second reading. Today, the bill is on the Floor calendar of the House, awaiting a vote.

As this research-universities-only bill has been making its way through the process, the regional/comprehensive institutions have been tasked with determining the climate for such an initiative on their campuses. At **Eastern Washington University**, in particular, the executives of the Faculty Senate spoke with the University's President, Dr. Mary Cullinan. They learned that President Cullinan, and the Board of Trustees (with whom she had already discussed the issue), were “**fine with it.**” For extra measure, President Cullinan also sought clarification from the State Attorney General's Office in Spokane. Annika Scharosch, AAG, replied:

“The current law pertaining to trustees at regional universities simply specifies that the board is comprised of eight trustees, one of whom is a student. RCW 28B.35.100. Under the current status of the law, I believe that a faculty member could apply to serve as a trustee by filling out an application on the Governor's Boards & Commissions website. A faculty member could apply for the upcoming opening this fall. If a faculty member was selected, we would have to manage some conflict of interest issues (such as voting on the faculty collective bargaining agreement), but I cannot think of anything that would prohibit the person from qualifying to be a trustee. In contrast, employees at the community colleges are prohibited from serving as trustees for a community college by RCW 28B.50.100. If, however, they [the faculty] do not want to compete against all potential trustee candidates and want to make sure one of the eight trustee positions is always a faculty member, they would need to go to the legislature to amend RCW 28B.35.100.”

Faculty at EWU are in the unique position of enjoying both Presidential and Board support on this issue and will work with them to determine whether pursuit of an existing position or an amendment is in Eastern's best interest.

CFR 2017 Legislative Agenda: The Council of Faculty Representatives [CFR] seeks to establish a well-educated citizenry, enable a well-trained workforce, give all students the chance to reach their potential, and ensure a healthy, prosperous future for the State of Washington. The action items listed below represent our legislative priorities for the 2017 Legislative Session:

- Generate sufficient revenues to attract and retain excellent faculty
- Fully fund the State Need Grant for *all* eligible students
- Maintain high educational quality by rebalancing the ratio between tenured and part-time, non-tenured faculty at the comprehensive institutions
- Work to establish a faculty position on institutional boards of regents or trustees
- Invest in the State Work Study program for public institutions
- Prioritize funding for teacher education
- Increase faculty engagement in educational programming to address sexual harassment and assault on campuses
- Support faculty efforts to reduce the cost of course materials while maintaining the high academic quality and learning outcomes our students deserve
- Ensure full institutional budget support by replacing revenues reduced by capping rates of tuition increases

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