

TO: John Mason, Provost  
FROM: Ted Otto, Interim President of UFE  
DATE: March 18<sup>th</sup>, 2009  
RE: Grievance of Administration Violation of CBA section 3.11.1 Faculty Development Allocations  
cc: Jim Perez, Dean of SWHS  
Lynn Briggs, Dean of CAL  
Judd Case, Dean of SHE  
Rex Fuller, Dean of BPA  
Alan Coelho, Dean of EHD  
Patricia Kelley, Dean of Libraries

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**Facts alleged:** It has come to the attention of the UFE within the last twenty-one days that the EWU administration has decided to withhold professional development funds for faculty to use for inter-state travel to professional conferences. As this grievance memo will demonstrate, that action violates section 3.11.1 of the CBA, "Faculty Development Allocations."

As a justification, the administration has used the recently passed ESSB 5460, specifically section 9. If pressed, the administration would surely also point to section 14.5 (Savings Provision) of the CBA, which acknowledges that state law can supersede provisions of the CBA.

However, re-examining relevant passages of both the legislation and the CBA reveals that the administration remains contractually bound to release professional development funds for faculty's inter-state conference travel, travel that is clearly mandated by Faculty Activity Plans.

From ESSB 5460, the relevant passage is from Section 9, lines 26-31 (underlining ours):

This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state funds or tuition.

From the CBA, the relevant passages are from 3.11.1, Faculty Development Allocations, paragraphs (a) and (e):

(a) To support the academic strategic plan, college and department P&P, and individual FAPs, the University will fund a pool each fiscal year with an amount equal to \$1,200 per tenure and tenure-track faculty member.

(e) Faculty development funds may be used for a variety of purposes, including, but not limited to, travel to collections, attendance at national conferences and purchase of software or equipment.

Since EWU receives considerably less than 100% of its funding from the combination of state money and tuition, by arithmetic definition EWU has access to funding sources other than the state and tuition. Moreover, because the CBA refers only to the University's obligation to fund the pool rather than to the source of the funding, and the legislature can make no claim on the use of money beyond its jurisdiction, ESSB 5460 does not legally impede the administration from fulfilling its contractual duties to the faculty. Further, UFE is informed that the administrations at Central and Western Washington Universities, and The Evergreen State College have not adopted such a policy despite the fact that they are part of the same state university system as Eastern Washington University. In addition, each of these Universities has negotiated collective bargaining agreements that provide faculty development funds that may be used for travel.

In addition, UFE is aware that for several years prior to the prohibition, faculty at Eastern Washington have utilized professional development funds for interstate travel to get to conferences and for other reasons directly related to their professional development. Thus, there is a longstanding practice re: the use of such funds for interstate travel.

**Alleged violations:**

Article 3.11.1 (a), (b), (c) and (e)-provide that funds be made available to all tenure and tenure track faculty and may be for a variety of purposes including but not limited to use for travel to collections and attendance at national conferences. As interstate travel is required to attend most national conferences or to travel to where collections are located, to prohibit such travel directly violates the above referenced section of the collective bargaining agreement.

**Remedy:** To redress this grievance, the Administration must once again and immediately make available professional development funds for faculty as mandated by section 3.11.1 of the CBA.