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SENATE BILL 5584

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State of Washington

65th Legislature

2017 Regular Session

By Senator Baumgartner

1 AN ACT Relating to college and university presidents; amending  
2 RCW 28B.20.105, 28B.30.120, 28B.35.110, 28B.40.110, and 42.56.250;  
3 adding a new section to chapter 28B.10 RCW; adding a new section to  
4 chapter 42.30 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that in the  
7 search for the position of president, colleges and universities must  
8 be able to conduct a thorough search for the best candidates. The  
9 legislature finds that this objective is best accomplished by  
10 exempting the search process from public records. At the same time,  
11 the legislature also recognizes the need to protect the public. The  
12 legislature finds that this objective is served by requiring that the  
13 president of a college or university be subject to senate  
14 confirmation. Therefore, the legislature intends that college and  
15 university presidents be subject to senate confirmation, but that the  
16 search process be exempt from open public meetings and public  
17 disclosure requirements.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10  
19 RCW to read as follows:

1 (1) Any person appointed to serve as president of a state  
2 college, regional university, or state university shall be subject to  
3 senate confirmation.

4 (2) Any president-appointee subject to senate confirmation shall  
5 continue to serve as a president-appointee unless rejected by a vote  
6 of the senate. An appointee who is rejected by a vote of the senate  
7 shall not be reappointed to the same position for a period of one  
8 year from termination of service.

9 (3) For the appointment of a president to be effective, the state  
10 college, regional university, or state university must transmit to  
11 the secretary of the senate notice of the appointment, along with  
12 pertinent information regarding the appointee.

13 **Sec. 3.** RCW 28B.20.105 and 2012 c 228 s 1 are each amended to  
14 read as follows:

15 (1) Except as provided in subsection (2) of this section, the  
16 board shall organize by electing from its membership a president and  
17 an executive committee, of which committee the president shall be ex  
18 officio chair. The board may adopt bylaws or rules and regulations  
19 for its own government and shall follow procedures for open public  
20 meetings in chapter 42.30 RCW. The board shall provide time for  
21 public comment at each meeting. The board shall hold regular  
22 quarterly meetings, and during the interim between such meetings the  
23 executive committee may transact business for the whole board:  
24 PROVIDED, That the executive committee may call special meetings of  
25 the whole board when such action is deemed necessary.

26 (2) Meetings of the board for the sole purpose of selecting a new  
27 president of the institution are not subject to the requirements of  
28 the open public meetings act in chapter 42.30 RCW, and documents and  
29 materials obtained or created for the sole purpose of selecting a new  
30 president of the institution are not subject to public disclosure  
31 under chapter 42.56 RCW.

32 **Sec. 4.** RCW 28B.30.120 and 2012 c 228 s 2 are each amended to  
33 read as follows:

34 (1) Except as provided in subsection (2) of this section,  
35 meetings of the board of regents may be called in such manner as the  
36 board may prescribe and shall follow procedures for open public  
37 meetings in chapter 42.30 RCW. A full meeting of the board shall be  
38 called at least once a year. The board shall provide time for public

1 comment at each meeting. No vacancy in said board shall impair the  
2 rights of the remaining members of the board.

3 (2) Meetings of the board for the sole purpose of selecting a new  
4 president of the institution are not subject to the requirements of  
5 the open public meetings act in chapter 42.30 RCW, and documents and  
6 materials obtained or created for the sole purpose of selecting a new  
7 president of the institution are not subject to public disclosure  
8 under chapter 42.56 RCW.

9 **Sec. 5.** RCW 28B.35.110 and 2012 c 228 s 3 are each amended to  
10 read as follows:

11 (1) Except as provided in subsection (2) of this section, each  
12 board of regional university trustees shall hold at least two regular  
13 meetings each year, at such times as may be provided by the board,  
14 and shall follow procedures for open public meetings in chapter 42.30  
15 RCW. Each board shall provide time for public comment at each  
16 meeting. Special meetings shall be held as may be deemed necessary,  
17 whenever called by the chair or by a majority of the board. Public  
18 notice of all meetings shall be given in accordance with chapter  
19 42.32 RCW.

20 (2) Meetings of the board for the sole purpose of selecting a new  
21 president of the institution are not subject to the requirements of  
22 the open public meetings act in chapter 42.30 RCW, and documents and  
23 materials obtained or created for the sole purpose of selecting a new  
24 president of the institution are not subject to public disclosure  
25 under chapter 42.56 RCW.

26 **Sec. 6.** RCW 28B.40.110 and 2012 c 228 s 4 are each amended to  
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, the  
29 board of The Evergreen State College trustees shall hold at least two  
30 regular meetings each year, at such times as may be provided by the  
31 board, and shall follow procedures for open public meetings in  
32 chapter 42.30 RCW. The board shall provide time for public comment at  
33 each meeting. Special meetings shall be held as may be deemed  
34 necessary, whenever called by the chair or by a majority of the  
35 board. Public notice of all meetings shall be given in accordance  
36 with chapter 42.32 RCW.

37 (2) Meetings of the board for the sole purpose of selecting a new  
38 president of the institution are not subject to the requirements of

1 the open public meetings act in chapter 42.30 RCW, and documents and  
2 materials obtained or created for the sole purpose of selecting a new  
3 president of the institution are not subject to public disclosure  
4 under chapter 42.56 RCW.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 42.30  
6 RCW to read as follows:

7 Meetings of a board of regents or a board of trustees of a four-  
8 year institution of higher education as defined in RCW 28B.10.016 for  
9 the sole purpose of selecting a new president of the institution are  
10 exempt from this chapter.

11 **Sec. 8.** RCW 42.56.250 and 2014 c 106 s 1 are each amended to  
12 read as follows:

13 The following employment and licensing information is exempt from  
14 public inspection and copying under this chapter:

15 (1) Test questions, scoring keys, and other examination data used  
16 to administer a license, employment, or academic examination;

17 (2) All applications for public employment, including the names  
18 of applicants, resumes, and other related materials submitted with  
19 respect to an applicant and including documents and materials  
20 obtained or created for the sole purpose of selecting a new president  
21 of a four-year institution of higher education as defined in RCW  
22 28B.10.016;

23 (3) The following information held by any public agency in  
24 personnel records, public employment related records, volunteer  
25 rosters, or included in any mailing list of employees or volunteers  
26 of any public agency: Residential addresses, residential telephone  
27 numbers, personal wireless telephone numbers, personal (~~electronic~~  
28 ~~mail~~) email addresses, social security numbers, driver's license  
29 numbers, identicard numbers, and emergency contact information of  
30 employees or volunteers of a public agency, and the names, dates of  
31 birth, residential addresses, residential telephone numbers, personal  
32 wireless telephone numbers, personal (~~electronic—mail~~) email  
33 addresses, social security numbers, and emergency contact information  
34 of dependents of employees or volunteers of a public agency. For  
35 purposes of this subsection, "employees" includes independent  
36 provider home care workers as defined in RCW 74.39A.240;

37 (4) Information that identifies a person who, while an agency  
38 employee: (a) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in  
2 connection with a possible unfair practice under chapter 49.60 RCW  
3 against the person; and (b) requests his or her identity or any  
4 identifying information not be disclosed;

5 (5) Investigative records compiled by an employing agency  
6 conducting an active and ongoing investigation of a possible unfair  
7 practice under chapter 49.60 RCW or of a possible violation of other  
8 federal, state, or local laws prohibiting discrimination in  
9 employment;

10 (6) Criminal history records checks for board staff finalist  
11 candidates conducted pursuant to RCW 43.33A.025;

12 (7) Except as provided in RCW 47.64.220, salary and benefit  
13 information for maritime employees collected from private employers  
14 under RCW 47.64.220(1) and described in RCW 47.64.220(2); and

15 (8) Photographs and month and year of birth in the personnel  
16 files of employees and workers of criminal justice agencies as  
17 defined in RCW 10.97.030. The news media, as defined in RCW  
18 5.68.010(5), shall have access to the photographs and full date of  
19 birth. For the purposes of this subsection, news media does not  
20 include any person or organization of persons in the custody of a  
21 criminal justice agency as defined in RCW 10.97.030.

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