

THE EVERGREEN STATE COLLEGE

January 26, 1976

TO: Charles McCann
FROM: Les Eldridge
SUBJECT: Report on the Progress on the Hearing Board DTF

The DTF meetings have gone quite well. We've met every Wednesday for an hour and a half since the 7th of January, and the group has included Hap Freund, Bill Knauss, Bill Brown, Janice Wood, Lee Chambers, and Mac Smith, with John Lundberg, of my staff, sitting in as the student employee who is responsible for the history of hearing boards and for serving as a resource for future hearing boards. Rich Montecucco will join us next Wednesday if his schedule permits.

The point which has attracted the greatest debate has been the definition of "formal" and "informal", and the procedures to accompany these types of hearings. The majority of the DTF seem to wish to extend the opportunity for a "formal" hearing, (that is, one which is acceptable to a court for litigation), to all grievants. According to information which Rich Montecucco gave me, the courts will not accept any case as "formal" which does not involve the termination of the grievant's relationship with the institution. Therefore, they would not hear a case involving an administrative grievance. The DTF wishes to let the grievant make up his mind as to whether to bear the extra expense of an attorney for the purpose of formalizing a hearing board and then test Rich's hypothesis in court if the grievant wishes to. I suggested that we get the opinion of Rich and other people from the attorney general and possibly from the court system as to whether this is possible.

I assume that the Board would be likely to delegate its authority to a hearing board in cases involving expulsion, etc., but would be reluctant to do so in cases involving administrative decisions. That would mean that, if it is the policy of the institution to offer the opportunity for a formal hearing to grievants in administrative matters, the Board would probably want to hear the cases themselves. This would take up a lot of its time not to mention the additional cost involved with an assistant attorney general present at the hearing board. We'll know more about this subject, I'm sure, next week.

Meanwhile, on the other points that I made in my recommendations, and some of Dean's concerns, there has been almost complete agreement. We're (they're) about a third of the way through those recommendations, and should be able to move more quickly on them this week.

LWE:mb