



# Washington State Legislature

October 4, 2012

President James Gaudino  
Central Washington University  
400 East University Way  
Ellensburg, WA 98926-7481

RE: CWU Current & Proposed "Commercial Activities" Policies

Dear President Gaudino,

Having reviewed the commercial activities policies of all of our State's 4-year universities and reread CWU's current commercial activities policy and your new proposed policy, we see the proposed policy as not only a significant departure but also deficient in many ways from the current policy. We're taking this opportunity to provide you with a few examples.

We remain supportive of the current commercial activities policy, and we advise you to withdraw your new proposed policy.

After thoroughly reviewing the current policy, we are trying to wrap our heads around what the obstacles are in your pursuit of expanding bookstore commercial activities.

It appears to us under the current policy, you have plenty of "wobble room" to accomplish what you want to accomplish. You just need to ensure that the University's Commercial Activities Committee does exactly what it was originally designed to do: Function as the crucial mechanism to make sure the employer community's needs are duly considered in your commercial activity deliberations. *The new draft proposal strips out the commercial activities mechanism, removes the requirement to meet with the Ellensburg business community anytime there is an issue at hand or not less than twice yearly, and, in an impasse situation, hold a public hearing.* We find that unacceptable.

Other universities share similar demographics with CWU, such as WSU, who is also the largest employer of its community. Similar to our policy, they have a commercial activities committee, "The WSU-Pullman Chamber of Commerce Community Relations Forum" that ensures employer input.

In the last paragraph of your draft policy, it states, "If privatization is not considered an option, the reasons therefore [sic] will be documented and presented as a part of the discussion between the community and the Commercial Activities Council which will be comprised of at least three members of the affected community and 3 members of the university community, chaired by the Vice President." This is the first and last mention of a Commercial Activities Council in CWU's proposal. Who will appoint these members? Who is "the community?"

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While your proponents of the draft make it appear that the commercial activities committee will continue to function, the new council will exist or convene only if privatization is **not considered** an option.

Terms throughout the proposed draft policy are not defined and create confusion. For example, who is the "affected community?" Who are the "business community/leaders?" Who are the "local business leaders?" Who are the "Ellensburg leaders?" These terms are not defined.

The Ellensburg Chamber of Commerce was created over 100 years ago with a mission to create a sustainable local economy. With over 500 members, the Ellensburg Chamber represents every business sector in Ellensburg. Undoubtedly, it is the entity that best represents the needs of the employer community throughout Ellensburg and CWU's history.

Under your current policy, we think it is appropriate and favor that the Office of the President has oversight. If you'd like more involvement from your Vice President for Business and Financial Affairs, the bottom line is that the current policy clearly gives you the authority to appoint the standing University Commercial Activities Committee. In the event of an impasse, the current policy says that you are to "convene" a hearing, not chair it. Under the current policy, you can call for a hearing and delegate to your Vice President the responsibility of running the meeting.

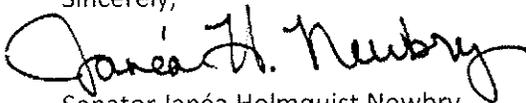
We don't understand what the University wants to accomplish under this new proposal, given that even in the event of an impasse the University can appeal to the Trustees under the current policy.

**Again, we remain supportive of the current policy and ask that you withdraw your proposal.** If you can show us the obstacles that prevent you from doing what you want under the current policy, we would like to explore them with you.

In closing, your legislators, CWU, the City of Ellensburg, and Ellensburg's business community have enjoyed a symbiotic relationship where each supported the other in matters of common concern before the State. Your current course threatens the goodwill generated over the years.

We hope this issue would be resolved before the beginning of the 2013 Legislative Session, so we can avoid going into a budget year with a divided community. Failure to withdraw your current proposal or an effort to postpone this type of draft policy to a later date could jeopardize the community's budgetary support of CWU.

Sincerely,

  
Senator Janéa Holmquist Newbry  
13<sup>th</sup> Legislative District

  
State Representative Judy Warnick  
13<sup>th</sup> Legislative District

cc: Ellensburg Chamber of Commerce  
George Clark, CWU Vice President for Business and Financial Affairs  
Ann Anderson, CWU Director of Government Relations