

AGREEMENT

Of October 12, 1972, Regarding

ASSOCIATED STUDENTS OF WESTERN WASHINGTON STATE COLLEGE

A. The Board of Trustees :

RCW 28B.4 0.100 vests in the Board of Trustees of Western Washington State College "the government" of the College. RCW 28B.40.120 (1) provides that the Board of Trustees "shall have full control of the state college and its property of various kinds," and RCW 28B.40.120(11) provides that the Board "may promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college."

B. The Associated Students:

The student association at Western dates from the first decade of this century. Prior to 1933 it operated as an unincorporated association. In 1933 the association adopted the corporate form of doing business under the act providing for the incorporation of associations for social, charitable and educational purposes.

C. The Legal Relationship between the Board
of Trustees and the Associated Students:

(1) General :

The Associated Students was formed, and has been recognized by the Board of Trustees, for the purpose of providing a framework for the development of a program of student activities in which student initiative and responsibility may find expression. The Board of Trustees has delegated to this Association the authority to provide specialized student services, various social and recreational activities, and facilities for the benefit of the students and of the entire college community.

There must be appreciated the distinction between the existence of the Associated Students as a distinct corporate entity and the activities of that corporation which result from the authority delegated by the Board of Trustees to provide the activities referred to above. The delegation of such authority in no way diminishes the fact that the corporation is a distinct entity having a recognized corporate existence under Washington law; the recognition of such independent existence in no way diminishes either the public nature of the authority delegated or the Board of Trustee's responsibility for assuring that activities undertaken within the scope of such authority conform to policies established by it or by the legislature.

(2) Funding and Use of College Facilities:

The Board of Trustees, having delegated to the Associated Students certain functions relating to student activities, financially supports the Associated Students by allocating to it monies derived from fees which it assesses against all students under the authority of RCW 28B.15.4 00. Such funds, as well as College facilities made available for Associated Student use, are public in nature. The Associated Student's use and management of all such public funds and facilities are subject to the statutory and constitutional limitations to which all such funds and facilities are subject and, in addition, to college rules and the Associated Student's articles of incorporation. e

(3) Assets of the Associated Students:

It is the duty of the Associated Students to keep safely all assets held by them for the use and benefit of the students or of the college community (present and future) and to preserve such property against loss, dissipation or diminution. In performing this duty, the Associated Students must act with an undivided loyalty to -the trust reposed in it, exercising that degree of care and diligence normally exercised by an ordinarily prudent man in the conduct of his own affairs.

(4) The Bookstore:

Among the powers delegated to the Associated Students by the Board of Trustees is the operation of a bookstore to sell textbooks and other items usually sold in such stores for the convenience of students and faculty, such bookstore having the exclusive right to sell on-campus the textbooks used at the College.

The bookstore is operated in a building situated upon college land which has been leased to the Associated Students for a term of years and which leasehold is held in the name of the Associated Students. This building, having been constructed with public money, is impressed with a public character. The grant of this leasehold interest to the Associated Students was made by the Board of Trustees

" . . . contingent upon . . . the establishment of a Bookstore Board consisting of two faculty members appointed by the President of the Associated Student Body from a list supplied by the President of Western Washington College of Education, two student members to be appointed by the President of the Associated Student Body, with approval of the Associated Student Body Legislature, and the Director of Student Activities

to be an ex-officio member having the power to vote only in case of ^a tie vote between the regular members. This Bookstore Board shall supervise all managerial, operational, and financial policies of the Bookstore in accordance with the provisions of the resolution . . . "

Resolution of the Board, dated December 21, 1959.

In the system of internal governance currently in force at the College, this Board reports to an All-College Senate through that body's college services council.

D. The Role of an Association of Students at Western.

For more than 60 years, the students of Western, acting through a self-governing association, have played an important role in enriching the life of the college and in enhancing its growing reputation. There has largely been left to this organization of students those decisions which determine the content of the program of student activities. The Board has recognized that such content may change in character and emphasis from one college generation to the next and for this reason has consistently sought to permit the association as much autonomy as is consistent with the Board's legal responsibility for the government of the college. A degree of autonomy has also been viewed as important to encouraging as well as facilitating

the healthy development of experience and initiative in self government.

Direct supervision and assistance in the management of specific items of corporate business by the Board of Trustees acting through the college administration has occurred and may occur, and in all such instances both the administration and the Associated Students will endeavor to achieve mutual agreements on the conduct of such activities. Where disagreements occur between the Associated Students and the administration which cannot be resolved to the satisfaction of the parties, such matters may be referred to the Board of Trustees for resolution.

It is also recognized that students may wish to participate in activities entirely outside the scope of the authority delegated or monies allocated to the Associated Students by the Board of Trustees. Since public monies or the proceeds of public monies and the use of public facilities may not be commingled or confused with private funds or activities not of a public character, such activities should be organized and maintained separate and apart from the activities of a public character carried on by the corporate entity here under discussion to the end that the Associated Students not lose its character as a corporation to which public authority may be constitutionally delegated or to which public funds may be constitutionally allotted.