

## WACTC Capital End Run Policy

*Adopted January 21, 2014*

Washington State's community and technical college system has enjoyed tremendous success in acquiring capital funds. A real need for new and improved facilities, combined with an effective legislative strategy and a well-respected process have led to this success.

We have gained the strong support of the legislature in large part because of the integrity of our capital process. The perception of our capital process can certainly influence perceptions of our system as a whole. Therefore, maintaining the integrity of the capital process is critical to our system.

End runs, as defined below, threaten our system's credibility. In support of our system's collaboratively developed capital request process, WACTC has undertaken the task of defining what an "end run" is and designing a process to discourage end runs. In doing so, we acknowledge that the political process makes this a complex task.

### Definition of an End Run

An End Run is an amendment to a capital request or a new capital request advanced by a college, agreed to by a college, or advanced by another person or entity with the knowledge of the college, with no attempt by the college to discourage progression that:

- A) Results in capital funding for a college or State Board owned property or one which will become owned by the college or State Board as a result of the legislation, and
- B) Has not come through the system's capital selection process and could potentially displace projects currently on the approved State Board list, or
- C) Has been approved on the State Board list for submission to the legislature but advances beyond projects ranked in the selection process in the final budget.

Special consideration will be given to situations in which the capital project would have gone to another agency or postsecondary institution outside the system if not accepted by the college.

### Prevention of an End Run

- WACTC will review the end run policy before the start of each biennial session.
- The issue of end runs will be discussed with ACT at their Fall Conference.
- The SBCTC Executive Director and WACTC Capital Committee Chair will meet with legislative fiscal committee chairs and ranking members in advance of each biennial session to discuss the system's end run process and establish expectations to maintain credibility of our colleges.

### Review Process to Determine Evidence of an End Run

The president of a college which could be named in capital legislation outside of the State Board request must notify the SBCTC Executive Director and WACTC Capital Committee Chair at the earliest possible time.

The WACTC Capital Committee Chair will immediately inform the WACTC Capital Committee.

The SBCTC Executive Director and WACTC Capital Committee will confer to determine appropriate strategies. Next steps may include, but are not limited to:

- (1) Discussion with legislative fiscal committee chairs, local legislators, or the affected college president.
- (2) Recommendation of the project to the State Board for inclusion in their request due to its strategic value to the system, or
- (3) Notification of the affected college president that the project will be evaluated as an end run by the WACTC Capital Committee.

The WACTC Capital Committee Chair will notify the affected college president of the next steps to be taken.

### Potential Sanctions for a College Engaged in an End Run

When the WACTC Capital Committee finds that a college has engaged in an end run it will make a recommendation to the WACTC Executive Committee to determine appropriate sanctions. Potential sanctions could include, but will not be limited to the following:

- A 5 to 10 percent score reduction in the next scoring and ranking process for each project requested by the College.
- Moving the affected college's first priority major project to the bottom of the list for the next capital request.
- Ineligibility to apply for a new major capital project in the next biennium.
- Loss of a minor work program project.
- Loss of minor work preservation (RMI) funding for one biennium.
- Loss of minor work repair funding for one biennium.

If the WACTC Executive Committee recommends a sanction they will advance it to the State Board for action.

### Procedure to Appeal an End Run Sanction

A college which believes it has been unfairly sanctioned may submit an appeal to the WACTC Executive Committee for consideration. The appeal is a written narrative cosigned by the affected college's president, or chancellor, and chair of the Board of Trustees identifying the reasons why the sanction is not appropriate. The WACTC Executive Committee may request that the president, or chancellor, address the committee in person and answer questions relative to the appeal. The WACTC Executive Committee decision will be made within six weeks of receipt of the narrative or the face-to-face meeting, if applicable. The decision will be advanced to the State Board for action, if necessary.