

Minutes
Faculty Senate Meeting
Thursday, December 3, 2015, 2:30 p.m.
Savery Hall, Room 260

1. Call to Order and Approval of Agenda.

Chair Beauchamp called the meeting to order at 2:35 p.m. The agenda was approved.

2. Faculty Senate Chair's Remarks – Professor Norm Beauchamp. **[Exhibit A]**

Chair Beauchamp began the meeting with a moment of silence for the attacks in France and California. He then quoted Jacqueline Novogratz, "A sustainable world means working together to create prosperity for all." He urged the senators to focus on the whole and not on themselves and congratulated them on their leadership. He announced a forum on Faculty Unionization, January 13, 2016, 3:30 pm. - 5:00 p.m., Architecture Hall 147.

3. Reports and Opportunity for Questions.

- a. Report of the Secretary of the Faculty. **[Exhibit B]**
- b. Report of the Chair of the Senate on Planning and Budgeting. **[Exhibit C]**
- c. Report of the Faculty Legislative Representative. **[Exhibit D]**

There were no questions.

4. President's Remarks– Ana Mari Cauce.

President Cauce acknowledged that there is much to debate today. President Cauce commented on the proposed sale of KPLU and said she is unable to discuss everything she knows because of a non-disclosure agreement. UW is not the seller, they are the buyer. She thinks we would have lost KPLU, if UW had not purchased it. She stressed the importance of saving a jazz radio station and its importance as an American art form. The northwest is known for its high school jazz musicians. She wants to find ways that students and faculty can have more influence over KUOW. There was an agreement two years ago for less influence and she is unhappy about that. She wants people to be careful when discussing the management of KUOW.

She would like to see UW host a tent city. A number of hurdles in the way: state land (need permission), commitment to the community in helping the city and county in the homeless crisis. She wants people to let her know their issues, as she knows there are some downsides.

She is committed to access and excellence and the university and applauded Olympia for putting access first. We cannot have an excellent university without excellent faculty and she is committed to finding ways to make sure we can maintain excellent faculty. The legislation on the faculty salary policy is the faculty's choice to make. She will not opine on the policy as a whole. She needs to consider some small things, like what are the implications on professional staff salaries. She wants to make sure people fully understand what they are voting on. It's complex and not easy to understand. People need to understand how it works.

There were no questions or comments.

Chair Beauchamp thanked her for her comments and stressed the compassionate importance of tent city.

5. Requests for Information.

Summary of Executive Committee Actions and Upcoming Issues of November 16, 2015.

- a. Electronic approval of the [October 5, 2015, SEC minutes](#).
- b. Electronic approval of the [October 22, 2015, Faculty Senate minutes](#).
- c. Proposed changes to Executive Order 61. **[Exhibit H]**

There was one comment from Senator Storti who wanted to go on record as formally requesting information on the legal basis for EO61.

6. Memorial Resolution.

Vice Chair Zoe Barsness presented the memorial resolution:

BE IT RESOLVED that the minutes of this meeting record the sorrow of the entire faculty upon its loss by death of these friends and colleagues:

Clinical Professor Rick Lane Johnson, of Medicine, who died on October 7, 2015, after having served the university since 1963.

Clinical Professor Walter Miller of Medicine, who died October 30, 2015, after having served the university since 1955.

Clinical Instructor Yoshitaka Ogata of Dentistry, who died on November 19, 2015, after having served the university since 1993.

Professor Emeritus Joe Scott Creager of Oceanography, who died on November 14, 2015, after having served the university since 1958.

The resolution was approved by a standing vote of the faculty.

7. Consent Agenda.

There was no consent agenda.

8. Announcements.

There were two announcements. The Senate is seeking candidates for vice-chair for the 2016-17 year; please contact Nancy Bradshaw on behalf of the nominating committee with nominations. Chair Beauchamp said that being vice chair was one of the highlights of his time at UW. Secretary of the Faculty Killien introduced Jordan Smith who has joined the staff of the office as Assistant to the Secretary of the Faculty.

9. Unfinished Business.

There was no unfinished business.

10. New Business.

a. Class A legislation – Second Consideration. **[Exhibit E]**

Faculty Council on Faculty Affairs

Title: Proposed amendments to the Faculty Code regarding the reorganization, consolidation and elimination procedures.

Action: Conduct final review of the legislation to submit to the faculty for approval or rejection.

No substantive changes were proposed by either the Senate Advisory Committee on Faculty Code and Regulations or the President. The legislation has been approved by the Senate Executive Committee. There was no discussion. The legislation was approved to be sent to the faculty for vote.

b. Class A Legislation – Second Consideration. **[Exhibit F]**

Faculty Council on Faculty Affairs

Title: Proposed amendments to the Faculty Code regarding dispute resolution procedures.

Action: Conduct final review of the legislation to submit to the faculty for approval or rejection.

No substantive changes were proposed by either the Senate Advisory Committee on Faculty Code and Regulations or the President. The legislation has been approved by the Senate Executive Committee. There was no discussion. The legislation was approved to be sent to the faculty for vote.

- c. Class A Legislation – First Consideration. **[Exhibit G]**
Faculty Council on Faculty Affairs
Title: Proposed amendments to the Faculty Code regarding faculty salary policy.
Action: First review of proposed amendments to the Faculty Code to submit legislation to the faculty for approval or rejection.

Gordon Watts, chair of the Faculty Council on Faculty Affairs introduced the legislation, summarized the introductory comments provided with the proposed legislation, and proposed an amendment from the SEC to increase the clarity of the legislation. The amendment has three major components. It adds the expectation regarding performance over a four year period (Line 1208), it identifies triggers for performance reviews (Line 1270), and allows for customization of the policy (Line 1482-1490). The amendment was seconded. During discussion, an editorial change was made to add “school, college, or campus” to line 1482. The discussion clarified that “expected performance” was a guideline, but not enforceable. Following brief discussion the amendment was approved as modified.

Discussion continued on the main motion. Chair Beauchamp invited comment from President Cauce. President Cauce ceded her comments to Interim Provost Jerry Baldasty. He expressed that he wants to make sure that faculty are aware of all the work that has been involved in the proposal. He would like to encourage a discussion on tier eligibility, especially those faculty who are not tier-eligible. There will be a need to explore what will happen to raises for these faculty since they are permitted but not mandated at the time of reappointment. He expressed support for the principle of tiers. The proposal gives a fair amount of control to the Deans who have firsthand knowledge of circumstances within their units. However, Baldasty has concern about the reduction in control by the President and Provost’s office. The Provost needs to think about sustainability of the entire university and he would like the ability to modify the formulas. He found the language in Line 1903 confusing.

Senators continued to discuss the legislation, with the following major themes:

Limits on the number of tiers for each rank or title.

Once someone reaches the top tier within their rank or title, there will be no additional ‘merit’ raises, so salaries would typically only increase by market adjustments. The faculty member could appeal to the Provost, but is that realistic? The limited number of tier advancements was identified as a concern especially for lecturers and associate professors. It was pointed out that raises could also occur by promotion or a variable adjustment. One suggestion was to have an unlimited number of tier raises possible at each rank/title. The issue of ‘career’ associate professors was raised. It was suggested that associate professors have to do a lot of service work and not as much research so they need more tiers to advance. Very large number of people who achieve associate professorship endpoint in School of Medicine. Very fine faculty members who will end up as associate professors and not achieve some kind of promotion because they don’t have an international reputation. We don’t adequately value some of the contributions that faculty make. We have to look more carefully at what we consider scholarship. We need to recognize people who are doing good work by increasing their compensation. In counterpoint, the more tiers you add at a promotable level, the more you give incentive for people to stay at that level rather than be promoted. This could be an incentive for people above them in rank to not mentor them towards promotion. Convenient to let somebody languish at associate professor because you can still give them a raise.

Performance reviews

Concern was raised that the criteria for tier advancement is too vague. Current language for advancement is that you are performing as someone in your rank should. Is the 8% pro forma? Or is it more robust review? It was suggested that each unit would have control over criteria for tier advancement and that it was based on comparisons with peers in unit, not an external standard. To achieve highest tiers in the professorial and principle lecturer ranks, external letters would be required and special achievement is needed. Some expressed concern that advancements might not be approved by a dean because there wasn’t sufficient money in the unit’s budget to fund the advancement.

There was debate about whether or not performance reviews for tier advancement would increase or decrease the workload compared with current annual merit reviews. Examples of current merit review processes and the associated workload varied by unit.

A concern was raised about the change of terminology from 'non-meritorious' to 'unsatisfactory' performance and the addition of language linking unsatisfactory performance reviews to the code provisions about standard of conduct in 25-71 and involvement of the dean in such matters. The chair of FCFA indicated there was no attempt to change consequences of non-meritorious and unsatisfactory performance.

Financial concerns

Where does the money come from to fund the new policy and additional tier raises? Policy doesn't mean new money. Has to be fundable within the unit. Faculty and deans would need to prioritize how funds are allocated. More money spent on faculty salaries will mean less money available for other goals.

Executive order

Some Senators expressed discomfort with or unwillingness to act on the salary policy without seeing the Executive Order (EO) that addresses the salary percentages. The President indicated that it was difficult to commit to an executive order before the salary policy proposal was finalized. She also indicated that changes to the number of tiers would mean that additional financial modeling would need to be done. Some felt the President's verbal support for the faculty salary policy was adequate without an EO.

Administrative exemption

Clarity was sought for the language about administrative exemptions. If you have an administrative position it may or may not be appropriate to be reviewed via the tier system. It is an attempt to avoid conflict of interest in performance reviews.

Customization

There was discussion about the appropriate role of departmental faculty versus the elected faculty council of the school, college, or campus in approving customization of salary policies and initial tier assignments at the unit level. Former Senate chair O'Neill expressed concern about customization and its effect on budgetary planning and salary equity over time. How often can a unit revise its policy and if it does, to whom does the new policy apply? Faculty don't have similar interest at different career stages...what does this do to unit morale? How will customization affect the UW's discussions in Olympia if we don't have a single salary policy?

Alternatives

Several senators suggested that alternatives to the proposed new salary policy had been informally suggested and should be considered. Former Senate chair Holt suggested that a simpler alternative would be to add the market/CPI (consumer price index)-based adjustment as a new "shall" to the current policy and keep the 2% annual merit (as the equivalent of the tier raises) plus additional merit, and raise the percentage of raise for promotions. It was suggested that these changes could be implemented sooner and with less complexity than the proposed new policy. Others raised concern that the proposed policy did not adequately address issues with current salary compression and lack of equity. Former Senate chair O'Neill expressed concerns with the proposed legislation and indicated she believes there are simpler ways to accomplish the proposed goals. She expressed that a negative vote on the current legislation doesn't mean there are no options to move forward. Former department chair Hopkins expressed his support for the proposed legislation. He had concerns when he was a department chair about the ability of chairs to keep professorial salaries advancing. He believes strongly that the meritocracy should be kept strong (majority of raises through merit) and indicated that he did not share the customization concerns raised by O'Neill.

An amendment to add tiers to some ranks and titles was presented by Senator Angotti from UW Bothell and seconded. The amendment was to add three additional tiers (7,8,9) for principle lecturers, add two additional tiers (4,5) for associate professors, add two additional tiers (4,5) to senior lecturers, and add two additional tiers (4,5) for senior artists in residence. Following some discussion a second order amendment was made to add more additional tiers to associate professor, senior lecturer, and senior artist in residence ranks and titles. Following discussion of the secondary amendment, the vote failed and discussion returned to the main amendment.

Senator Treser moved to adjourn the meeting and continue the agenda at a meeting on December 10, 2:30 p.m. The motion passed and the meeting was adjourned at 5:05 p.m.

Minutes
Faculty Senate Meeting, continuation
Thursday, December 10, 2015, 2:30 p.m.
Savery Hall, Room 260

10. c. New Business, continued, Class A legislation, faculty salary policy, first consideration.

Chair Norm Beauchamp called the continuation meeting to order at 2:32 p.m. He explained the format for continuation meeting and that the meeting will resume with the discussion of Class A legislation on the proposed new faculty salary policy. He clarified that if the goal is to complete the faculty salary policy legislation by the end of this academic year, we have until April 2016 to pass legislation on first consideration.

He then called upon Senate Parliamentarian Joe Janes to provide information on parliamentary procedures that might facilitate the meeting. Janes suggested that his role is to provide consultation, individually or collectively, during the meeting to Senators who might need assistance to achieve their goals in the meeting.

The discussion continued with consideration of the amendment introduced at the December 3 meeting to add tiers to associate professor rank and senior lecturer, principal lecturer, and senior artist in residence titles.

Motions to divide the question of additional tiers into four parts addressing each rank or title separately passed. Following discussion a vote was taken on each of the four sub-motions and each failed. Key points of the discussion are summarized below.

Hopkins (Chemistry) called the question on the proposed salary policy legislation as amended at the December 3 meeting. Objections were raised and a vote on calling the question failed.

Holt (Engineering) proposed an amendment to revise language related to the planning conference, including deleting the provision that documentation of any discussion about the faculty member's performance be deleted and not included in a subsequent performance review. After discussion and vote, the amendment failed.

Johnson (School of Public Health) proposed an amendment regarding who votes on collegial performance reviews. After discussion and vote, the amendment failed.

Discussion continued. Issues raised during the discussion of the proposed amendment to the faculty salary policy and various sub-amendments are summarized below:

Number of Tiers

The primary argument in favor of adding additional tiers to the specified ranks and titles was that under the current policy, all meritorious faculty receive annual merit raises, but under the proposed new policy some faculty would no longer be eligible for raises if they had reached the maximum tier for their rank or title. While the Provost could be petitioned to add a tier or the faculty person could be considered for a variable raise, these procedures are optional and it may not be realistic for all satisfactorily performing faculty in those ranks and titles to be given this extra consideration. Thus, long serving 'career' assistant professors and others doing important work would not be recognized with a tier salary increase after about 12 years in their rank or title.

Several areas of objection or concerns about adding tiers were raised. Several senators voiced concern that additional tiers would be used by the department to keep associate professors from progressing to promotion to full professor. The problem of progression is not the problem of the FSP but of culture/criteria in various departments.

Questions were raised about the financial implications of the amendment. Jack Lee said that financial modeling was done on the basis that 25% of the department would get a tier advancement each year. If

there were extra tiers, then everyone would get promotions less often. Gordon Watts indicated that FCFA debated the appropriate number of tiers and recommended the number in the proposed legislation.

Discomfort was expressed with adding extra tiers for principal lecturers without adding the requirement for submission of external letters that exists for full professors.

Senators questioned whether the proposed policy would address current salary compression of some long-serving faculty. The response was that if a faculty member advanced through the tiers sooner than every 4 years, it would help with compression. But if not, compression would not be addressed. The policy might help future faculty but not likely to help current faculty.

Concerns were also voiced about negative salary consequences for faculty who were not tier-eligible, including part-time lecturers and clinical faculty.

Financial Concerns

A Senator from UW-Bothell asked for clarification about the 2% regular merit raise and how it was funded. JoAnn Taricani, Faculty Legislative Representative, said that the legislature has no commitment to the 2% raise for faculty and that it is an internal policy of the university. The 2% is not mandated. The new policy will give all satisfactorily performing faculty a CPI raise, funded by each unit, that has varied in the past from a negative number to more than 2%.

A question was raised about whether or not the administration plans to set up risk pools for units that cannot fund the tier and promotion increases. Provost Baldasty said that they plan to continue to provide limited, temporary bridge money for a small number of units; it will not be sufficient if multiple departments need it.

Senators asked how easy will it be for schools or departments to “opt-out” of (customize) the salary policy and how the Provost and President will judge financial feasibility and justification of a school or department’s customization proposal. President Cauce answered the question by saying that there is meant to be an easy off-ramp/customization in an effort to deal with all of the objections. There is a tension between the number of faculty and how much faculty can get paid; the new policy will bring that into starker relief. She pointed out that there has to be fiscal restraint. Faculty could teach more classes for more money. If faculty say they won’t teach more classes, but want more hires and to keep their salary increases, the only way to do that is to take away money from a department acting responsibly, which the administration will not do.

O’Neill (Law) asked about how frequently a unit can vote for an off-ramp/customization and if all parties in voting unit have to agree? There are no restrictions in the code for how frequently a unit can vote, but there are restrictions on when it can be implemented, which effectively limits it to once a year. Two votes will occur: an advisory vote by a smaller unit and then a larger vote by the whole school or college that is binding and requires a simple majority vote. What will a close vote do collegiality and salary obligations? Chair Beauchamp stressed that the books have to balance and it is hard to predict what units will do. Taylor (Anthropology) expressed that if salary increases are a priority, then other things will get less support. Storti (Engineering) indicated he was very concerned with transitioning from the current policy where merit reviews lead to the reward of a salary increase to a new policy where performance considerations are tied to financial feasibility.

Planning Conferences

Planning conferences are currently used to plan future work done by faculty in consultation with their chair. However, the proposed legislation makes it possible for these to also be performance review meetings. There was discussion about the merits of these meetings having some review so that the faculty member can see how they are doing compared to their peers and with career progression. However there was also concern that the chair would provide review in the absence of peer review of performance. There was concern expressed about having to have two separate meetings: one for planning purposes and one for review.

Tier advancement

Concerns were expressed about the proposed requirement for tier advancement to be done by at least three full professors in the unit. Some believed the committee should be empowered to carry out the final review to

lessen faculty workload of reviews. Others raised the issue of a unit not having enough full professors to serve. They agreed with the principle of the amendment, but it may not be practical.

O'Neill (Law) asked what was meant by merit for the purpose of tier advancement. What criteria beyond satisfactory performance is required for tier advancement if deemed satisfactory after 4 years? Can a faculty member's performance be determined to be satisfactory, but not eligible for tier advancement? President Cauce said that this was a shift to a stronger merit based system. Satisfaction means doing good work, but it is not enough for a tier raise. She expressed the view that reviews for tier advancement are intended to be a more serious look to see if this is someone who is truly meritorious and not just satisfactory.

Final vote

The question was called on motion to amend the Faculty Code through the proposed salary policy legislation as amended at the December 3 meeting. Objections were raised that details had not been sufficiently discussed, while others acknowledge the issues with the policy but believed the details would be worked out later. The vote on calling the question passed. The vote was taken on the motion to amend the faculty salary policy. The motion passed with the following vote:

For: 49
Against: 14
Abstain: 5

Chair Beauchamp thanked the Senate for its work and the discussion. President Cauce indicated that there would be a draft Executive Order prepared shortly.

d. Faculty Unionization discussion.

Chair Beauchamp introduced the discussion. Goal is to prepare for the Faculty Forum on Jan. 13, 2016. Zoe Barsness presented a summary of information submitted by senators related to topics for focus at the forum. The survey remains open for responses by senators.

11. Good of the Order.

There was no good of the order discussion. Beauchamp suggested that senators be the informed resource to provide information to faculty.

12. Adjournment.

The meeting was adjourned at 4:55pm.

Prepared by:  Approved by: 
Marcia Killien
Secretary of the Faculty
Norm Beauchamp
Faculty Senate Chair

Report of the Faculty Senate Chair
Norm Beauchamp, Professor, Radiology

Unity is strength...when there is teamwork and collaboration, wonderful things can be achieved
Mattie Stepanek

Dear friends,

We are off to a great start this year. It has been energizing to observe teamwork manifest in so many impactful ways.

- The Faculty Council on Faculty Affairs (FCFA) tirelessly working to prepare the salary policy. The entire committee, in support of the faculty, spent countless hours transforming the proposed salary policy into faculty code. The Faculty Senate office team, in particular Nancy Bradshaw and Marcia Killien, rolled up their sleeves well into the evening hours, to ensure the document is ready for your consideration.
- The open and honest manner in which the faculty are considering the role of unionization as a mechanism for shared governance. The AAUP, Faculty Forward, UW Excellence, the Faculty Senate and the President and Provost are bringing forward their perspectives. It is clear that there is an underlying goal common to all the perspectives being brought forward...to support the faculty in the many missions we serve. We should all take great pride observing that the unity that is our core value is enabling the candid conversations that always precede the best decisions. The Senate is embracing its role of bringing attention to the existing perspectives. Please see the following URL's to read about the perspectives and facts regarding Unionization.

FAQ on the process of union organizing: www.washington.edu/informedchoice/unionization-faq/

Faculty Forward Webpage: <http://www.uwfacultyforward.org/>

UW Excellence Webpage: <http://www.uwexcellence.org/>

- The Faculty Council on Student Affairs, Student Life and Community Standards and Student Conduct working together to enhance the clarity and compliance of the Student Conduct Code. Class B legislation on proposed revisions to the Student Conduct Code advanced by the Senate Executive Committee was well received by the Senate and will soon be sent to all faculty for their review in a Class B Bulletin. The legislation was advanced while also calling for a phase two effort so that further improvements can be made.
- FCFA and the Senate partnering with the Adjudication Panel Chair, members of the adjudication panel, the Ombud, the President and the Provost Offices, and the Attorney General's Office to create important Class A legislation regarding dispute resolution. Proposed amendments to the Faculty Code regarding dispute resolution was thoroughly discussed in the Senate with an important amendment added.
- The President adding the Faculty Senate leadership to her cabinet. It is in these meetings that she seeks advice from key constituents. Ana Mari is one of the only recent presidents to invite the senate leadership to this table.
- The Senate leadership partnering with the Provost Office and the dean's, are initiating a new UW Leadership Program. Acknowledging the need to hasten the pace of meeting the goals of the faculty, students and staff, thirty faculty who are passionate about advancing change will be selected for a two year program. The program will enhance skills and foster collaboration in support of our great University.

As we move forward, more partnering will be needed. Advancing the faculty salary policy, considering the role of unions, enhancing transparency will require our continued commitment to Unity. I look forward to our further work, together.

Report of the Secretary of the Faculty
Marcia Killien, Professor, Family and Child Nursing

1. The Senate Vice-Chair Nominating Committee will soon be formed and will be seeking nominations for next year's vice chair. The ideal candidate would be an accomplished senior faculty member who has served in leadership roles within the University and who has the breadth of understanding to speak for the Faculty across the university.

If you are interested or know someone who would be well qualified for the position, please contact the Nominating Committee, c/o Nancy Bradshaw in the Faculty Senate Office. The Nominating Committee expects to recommend candidates to the Senate Executive Committee at its January meeting.

2. Please welcome Jordan Smith who will be joining our office as Assistant to the Secretary of the Faculty in December, replacing Jed Bradley. Jordan has recently served as a legislative aide in the Washington State House of Representatives and holds a B.A. in sociology from the University of North Carolina and a M.S. in political science from De Vrije Universiteit in Amsterdam, The Netherlands.

Report of the Chair of the Senate Committee on Planning and Budgeting
Kate O'Neill, Professor, Law

The Senate Committee on Planning and Budget meets weekly with the Provost, the Vice-Provost for Planning and Budget, and the head of the Board of Deans. SCPB is charged with consulting on all matters relating to the University budget and on a wide range of program and policy decisions.

The Senate Committee on Planning and Budgeting has met weekly this quarter, beginning on October 5.

This year, we are aiming to provide meaningful advice to the Provost, in the near term, as the UW prepares its budget proposal for the 2017 – 2019 biennium, and for the longer term, as the UW sets its priorities for the next three biennia. As chair, I hope to keep the committee's sights on big picture issues. In the near term, we have reviewed Interim Provost Baldasty's directions to deans as they prepare budget proposals for schools and colleges, and the committee is gathering background information and data that will enable us to review those proposals in late November.

In preparing to advise on deans' proposals, we have asked the Office of Planning and Budgeting (OPB) to explain some of the technical aspects of the ABB system, including the effects on units' budgets of enrollment projections and the process of reconciling actual tuition revenues with those projections. We will also expect to receive in the near future a report from the ABB Task Force on four particular concerns, including effects on interdisciplinary or collaborative teaching and research, funding for cross-college graduate teaching assistant positions, and summer quarter. The charge letters are here: <http://opb.washington.edu/content/activity-based-budgeting>.

On a related front, we have been gathering data and analytic tools for use in studying faculty demographics and salaries. We are very pleased that the Provost's office has made available to us, the SEC, and several of the faculty councils, the Academic Personnel Dashboard. This powerful, and easy-to-use Dashboard enables us to investigate the demographic profiles of faculty by rank and title throughout the UW, and in specific units and departments. This Dashboard also allows us to observe trends over time in the composition of the faculty, such as growth in the ranks of lecturers both full- and part-time. We will use this data in reviewing units' budget proposals, growth, and hiring plans, and we will use it to advise on long-term priorities, including diversification of the faculty, and goals for the size and composition of the faculty overall and in units and on the three campuses.

On the faculty salary front, we have received comparative data from OPB that shows, in particular, the UW faculty salaries, on average, lagging behind that of peers at the full professor level. This confirms the ongoing challenge we have in remedying significant compression for long-serving faculty. OPB is working on providing us comparative salary data by discipline. We also expect to receive shortly from OPB a model that will allow a unit to model the effects of different assumptions about tuition revenues and faculty salary increases.

With respect to a proposal for a new salary policy, we have also received some very basic modeling of the estimated costs, with stated assumptions about inflation and retirement rates, of the currently proposed faculty salary policy for up to four years after implementation. The model applies only to the "default" raises under that proposal. To facilitate the Senate's consideration of a new salary policy, we are working to refine that model and to extend it beyond four years. We are also seeking estimates of the cost to transition to a new salary policy and the operating costs to implement the HR elements. We plan to make that information available to the SEC and to the Senate as those bodies deliberate on a new salary policy.

We have recommended approval of two unit adjustments: one for full professors the College of Engineering and one for professors in Department of Environmental and Health Sciences within the School of Public Health. Both are designed to remedy the situation of one cohort of faculty in those units whose salaries significantly lag their peers in other institutions and that reflect significant compression. It is noteworthy that the current criteria for unit adjustments permit units to remedy particular salary gaps for cohorts of faculty rather than for the entire faculty of a unit – as used to be the case. This is a significant tool for departments where entering and mid-career salaries may be reasonably competitive but salaries of senior faculty may not be.

The last two meetings we discussed the implementation costs of the faculty salary policy; some issues raised were onetime costs for staff training and tweaks to the new Workday HR program; ongoing maintenance costs; there have been no estimates of local level costs, but there are sure to be some; and there is a possibility of 132 different tier advancement formulas that will need to be tracked.

Discussion on the ABB phase II planning efforts, which is an effort to “evaluate the current model, understand its functionalities and brainstorm a range of topics that will fall into scope as ABB is evaluated for possible changes.” Full details of the plan are on the Web at <https://opb.washington.edu/content/activity-based-budgeting> . SCPB will continue to be consulted throughout this process.

Finally, we discussed tuition rollback, which occurred in the last legislative session, and the back fill of funding promised by the State. While the legislature agreed to fund the “backfill” there has been a difference of opinion in the definition of the formula used in calculating the funding amount. Work continues to resolve the difference.

Report of the Faculty Legislative Representative
JoAnn Taricani, Associate Professor and Chair, Music History Program
olympia@uw.edu

The November 2015 election included results that affect the Legislature in this off-year. A special election to replace a House member has further narrowed the Democratic majority in the House, to a two-member majority of 50-48, continuing a trend of the past few years. In 2008, the House held a Democratic majority of 63-35 and 32-17 in the Senate. Now the Senate has a Republican majority of 25-24 and the House has gone from 51-47 in 2015 to 50-48 in 2016. The 2016 general election will be a vigorous contest for control of the House and Senate, and we will see both parties attempting to hold or gain control of those majorities, with seats in swing districts receiving considerable attention. The good news for public universities is that the increased support of higher education has become a major feature in the platforms of both parties.

I encourage you to attend the town hall meetings of your own representatives over the next year, making the case for the issues that concern you, especially the support of higher education and its students. If you are not on the mailing list for your legislators, you can contact them by using this district locator: <http://app.leg.wa.gov/DistrictFinder/>. There will be a number of changes in legislative representation over the next year, with some legislators planning to move from the House to the Senate, and other current members announcing their candidacy for statewide positions such as the Superintendent of Public Instruction and Lieutenant Governor. Rep. Ross Hunter, Chair of the House Appropriations Committee, has already left the Legislature to serve as Director of the state Department of Early Learning.

There are already significant shifts in committee leadership from 2015 to 2016, with an unusual number of new chairs on critical committees in the House: There is a new chair of the Appropriations Committee, Rep. Hans Dunshee, whose departure as chair of the Capital Budget Committee led to the appointment of Rep. Steve Tharinger. It is anticipated that Rep. Reuven Carlyle will move to the Senate to fill the position vacated by long-time Senator Jeanne Kohl-Welles (now elected to the King County Council), so there will also be a new chair replacing him as the leader of the House Finance Committee. All three of these committees, Appropriations, Capital Budget, and Finance, deal directly with the budget and fiscal policies of higher education.

The 2016 session is a short session of 60 days (in odd-numbered budget-writing years, the regular session is 105 days), and everyone anticipates that the session will end on time, unlike the record-setting long 2015 session with its three special sessions following the 105 days. In the short session, a supplemental budget is written, and the budget requests that get attention are adjustments needed to the biennial budget, where errors or miscalculations occurred in the enacted biennial budget.

The focus of the University of Washington will be on amending the backfill the Legislature intended to provide in the 2015-17 biennial budget. The final base budget was based on an estimate of enrolled students in the biennium, which we have exceeded, and the expectation is that there will be a small amount of additional funding provided to make up for the reduction in tuition. The university is also asking that the funding originally requested for the Computer Science & Engineering expansion be fully provided; only a portion of the capital request for that project was provided in the enacted 2015-17 capital budget. The structure of funding for this project also had an impact on the funding for "minor capital repairs," which we are requesting be restored for the sake of ongoing repairs and upgrades of our infrastructure.

Issues related to the state budget: The revenue forecast of November 2015 projects a downturn in available revenue through 2019, largely because of increased caseload (the obligation of the state in mandatory costs), although a surplus is still projected through the 2015-17 budget. The recently passed I-1366 provides the Legislature with two choices: (1) by April 15, pass a constitutional amendment that asks voters to raise the threshold needed for the Legislature to pass taxes, or (2) the state's sales tax will be cut by one percent. This measure is currently being challenged in the courts. The Legislature also has been ordered by the State Supreme Court to further address the issues of funding K-12 education, and is currently accumulating \$100,000 per day of fines imposed as a sanction by the Supreme Court.

Relevant articles regarding the issues mentioned above:

About the November 2015 election results:

<http://www.seattletimes.com/seattle-news/politics/state-democrats-continue-to-lose-house-seats/>

About the steps being taken to deal with I-1366:

<http://www.thenewstribune.com/news/local/politics-government/article43356921.html>

About the November 2015 revenue forecast:

<http://www.thenewstribune.com/news/state/washington/article45361470.html#storylink=cpy>

Class A Legislation.**Proposed Amendments to the Faculty Code Regarding Reorganization, Consolidation and Elimination Procedures**

Rationale:

Chapter 26 of the Faculty Code addresses the process for “reorganization, consolidation, and elimination procedures (RCEP).” Generally, “programs” are academic programs (e.g. degree programs, departments, or alternative academic structures). If the proposed action is to reorganize, consolidate, or eliminate one or more “programs” within a single school, college, or campus, the RCEP is initiated by a Dean or Chancellor. If the proposed action is to reorganize, consolidate, or eliminate one or more schools or colleges or campuses, the RCEP is initiated by the Provost. Processes for program changes were added to the Faculty Code to protect faculty and student rights for input into decisions, especially program eliminations. Over the years, the RCEP processes have been revised to improve efficiency and transparency.

There are two pathways for RCEPs, regularly referred to as “full” and “limited.” Which pathway is used depends on what effects the program change will have on faculty and students. In both pathways, the process involves the college’s council, the Senate Committee on Planning and Budgeting (SCPB), and the faculty members of affected units. Full RCEP processes are currently required for all program eliminations, even those supported by the faculty in the unit. A full RCEP process includes hearings and other formalities, and usually take longer than an academic quarter to be completed. There is agreement that this process may be unnecessarily cumbersome in some instances.

The proposed changes are designed to expand the conditions under which a “limited” RCEP process can be used when a program elimination within a school or college is proposed by the Dean. The language also updates the process and role of the Provost and SCPB to reflect current practices.

University of Washington

Faculty Code and Governance**Faculty Code****Chapter 26****Chapter 26 Financial Emergency and Procedures for Elimination of an Academic Program****Section 26–41 Reorganization, Consolidation, and Elimination Procedures****A. General Provisions and Definitions**

1. For the purposes of Subsections B, ~~and C,~~ and D, below, a "program" is defined (comprising both 'department' and 'program' as defined in Executive Order No. VI, Sections 3 and 4) as follows:
 - a. A department or other degree-granting unit (other than a departmentalized school, college, or campus); or a sub-unit within a department, an academic unit in a non-departmentalized school or college, or a group of faculty (from one or more departments) which offers a distinct degree, or a track within a degree that is described as a distinct option in the University Catalog, or in the course catalog of the college or school in question, or is customarily noted as such on student transcripts.
 - b. A disagreement as to whether the object of a proposed action constitutes a program shall be resolved by the Senate Committee on Planning and Budgeting, whose decision shall be binding. The dean or chancellor and the faculty group affected by the proposed action shall each submit a statement of their position to the chair of the committee, which shall deliver its ruling within ten instructional days of the receipt of both statements.
2. An "instructional day" is a day on which scheduled classes meet during Autumn, Winter, and Spring Quarters and excludes weekends, holidays, vacation, and examination periods.

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3. For purposes of these proceedings, a timely review and consultation process is required. Each stated time period is intended as the maximum period for action, review, comment, or advice. An extension of a stated deadline may be granted by the Secretary of the Faculty only upon reasonable grounds submitted in writing.
 4. Copies of all documents required under Section 26-41 shall be filed with the Secretary of the Faculty.
 5. Any written recommendations received by the Secretary of the Faculty under Section 26-41 must be made available to any member of the faculty on request.

38 B. Procedures for Reorganization, Consolidation, or Elimination of Programs

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1. ~~If in order to achieve a budget reduction, reallocate resources, implement educational policies, or realign academic priorities, a dean or chancellor may at any time, after consultation with his or her elected faculty council (Chapter 23, Section 23-45, Subsection C) determines that a budget reduction, a reallocation propose the elimination or reorganization of resources, or a realignment of academic priorities can only be implemented by measures that will have one or more of the following results~~ programs (as defined in Subsection A above) within a school, college, or campus, or their consolidation with other programs.
 - ~~a. The termination of an undergraduate or graduate program as defined in Subsection A above;~~
 - ~~b. The removal of tenured faculty or of untenured faculty before completion of their contract;~~
 - ~~c. A significant change in the terms, conditions, or course of employment of faculty;~~
 - ~~d. A significant change in the overall curriculum of a college, school, or campus, or of the University as a whole; or~~
 - ~~e. A significant departure from the stated mission of a college, school, or campus, or of the University as a whole;~~

55 Above, b., c., d., e., moved to B.3 below.

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2. The dean or chancellor shall request authority from the Provost to implement the proposed change. initiate a formal review to identify one or more programs for elimination, reorganization, or consolidation with another unit and/or reduction in size. The Provost shall consider such requests in consultation with the Senate Committee on Planning and Budgeting.
 3. The Provost shall initiate procedures for a full review of the request, (described in Subsection C) if the proposal can only be implemented by measures that will have one or more of the following results:
 - a.b. The removal of tenured faculty or of untenured faculty before completion of their contract;
 - b.e. A significant change in the terms, conditions, or course of employment of faculty;
 - c.d. A significant change in the overall curriculum of a college, school, or campus, or of the University as a whole; or
 - d.e. A significant departure from the stated mission of a college, school, or campus, or of the University as a whole.
 4. If the proposed measures will not have the effects described in Subsection B.3 above, the Provost shall initiate procedures for a limited review of the request reorganization, consolidation, or elimination of programs, described in Subsection D. The reallocation of graduate degree programs (Executive Order No. VII, Section 2) from one qualified academic unit (Executive Order No. VII, Section 4) to another, or to an interdisciplinary program within the Graduate School, is a limited reorganization that should follow the limited review procedures outlined in Subsection D. The complete elimination of a department or other appointing unit within a school, college, or campus, without its reorganization or consolidation with another unit, or relocation from one school or college to another, is requires a full review elimination that should follow the procedures outlined in Subsection C.

84 Second sentence, "The reallocation of graduate . . ." was formerly in C.1.

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86 **C. Procedures for Full Review of Reorganization, Consolidation, or Elimination of Programs**

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88 ~~1. The dean or chancellor shall request authority from the Provost to initiate a formal review to~~
89 ~~identify one or more programs for elimination, reorganization, or consolidation with another unit~~
90 ~~and/or reduction in size, if the review may result in any of the effects described in Subsection~~
91 ~~B.3. The Provost shall consider such requests in consultation with the Senate Committee on~~
92 ~~Planning and Budgeting.~~

93
94 1. The Provost shall notify the dean or chancellor of the decision to initiate a full review of the
95 proposal, under the procedures of Chapter 26-41.C.

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98 Number 1. above is formerly from B. 1.

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100 2. If/When the Provost initiates a full review grants of the dean's or chancellor's proposal as
101 described in section B3, then request for such authority:

102 a. The dean or chancellor shall notify the Secretary of the Faculty of his or her intention to
103 initiate a review under this section of the *Faculty Code*. The Secretary of the Faculty shall,
104 after consultation with the Chair of the Faculty Senate, appoint within ten instructional days
105 an External Faculty Committee composed of five faculty members (including one designated
106 as the committee's chair) from outside the college or school in which the review is to take
107 place.

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109 b. The External Faculty Committee, when convened by its chair, shall establish a schedule of
110 meetings for its own committee. Such independent meetings of the External Faculty
111 Committee will allow its members to form independent conclusions regarding the arguments
112 and evidence supporting the proposed action of the dean or chancellor. The responsibility of
113 the External Faculty Committee is to ensure that the recommendations of the elected faculty
114 council and of the dean or chancellor are based on a process that was fair, thorough,
115 impartial, and consistent in its use of appropriate criteria and materials. (The External Faculty
116 Committee shall retain copies of all the materials it has considered, which it will make
117 available to the Review Committee, should one be appointed under Subsection ~~BC~~.4 below.)

118
119 c. For the duration of the reorganization, consolidation, or elimination procedures, and for the
120 business of these procedures only, the members of the External Faculty Committee shall also
121 be added to the elected faculty council of the college, school, or campus in question as ex
122 officio members without vote. They shall participate in all meetings of that council, convened
123 by its faculty chair or the dean or chancellor, leading to the identification of programs for
124 reorganization, consolidation, or elimination, and shall have full access to all materials and
125 personnel consulted by the dean or chancellor and the elected faculty council in this process.
126 This combination of the elected faculty council and the External Faculty Committee is
127 hereinafter referred to as the augmented faculty council.

128
129 d. If the elected faculty council does not include student members, the dean or chancellor shall
130 request that the student organization (or organizations) of the affected school, college, or
131 campus shall appoint a graduate student and, where appropriate, an undergraduate student
132 to serve, with voting rights, with the augmented faculty council for the business of these
133 procedures only. If no such student organization exists, such appointments shall be made by
134 the GPSS or other appropriate, recognized graduate student organization and the ASUW or
135 other appropriate recognized student organization.

136
137 e. The dean or chancellor, in consultation with the augmented faculty council, associate deans,
138 and other appropriate advisory bodies or affected groups in the college, school, or campus,
139 shall examine measures to meet the required budget reduction, resource allocation goals, or
140 realigned academic priorities, including the reorganization, consolidation, or elimination of
141 programs, and alternatives to such actions.

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- f. The information used as a basis for the identification of programs for reorganization, consolidation, or elimination, and of alternatives to such actions, shall consist of:
 1. Documents that pre-date the dean's or chancellor's request (under Subsection BC.1 above), including:
 - a. The reports resulting from periodic reviews of programs or departments, any interim revisions of them, and responses to them by the dean or chancellor, the elected faculty council, and the faculty of the program(s) in question.
 - b. Accreditation reviews, if such exist for the program(s) in question.
 - c. Any other performance data gathered and maintained by the school, college, or campus, provided they are up-to-date and have been previously submitted to the faculty of the program(s) in question for review and response.
 - d. All relevant documentation resulting from the ongoing long-range planning process in the school, college, or campus, and
 2. Such other information requested by the dean, chancellor, or the augmented faculty council as deemed necessary, or independently requested by the External Faculty Committee, provided it is up-to-date and has been submitted for review and response to the faculty of the program(s) under consideration, and the faculty in the program(s) have had at least five instructional days to submit their comments on the information.
 - g. In proposing program reorganizations, consolidations, or eliminations, the dean or chancellor shall protect, to the maximum extent possible:
 1. The overall curriculum of the school, college, or campus and the University and the educational needs of its students, consistent with the role and mission of the University;
 2. In the case of a reorganization or consolidation, the quality of the program in relation to Subsection BC.2.g.1 above;
 3. Other programs in the University, including interdisciplinary programs, that may be affected by the proposed action(s);
 4. The University's commitment to tenure; and
 5. The University's commitment to diversity in faculty, staff, and students.
 - h. When the chair of the elected faculty council determines that the augmented faculty council is ready to conclude its review, a formal vote on the proposed action shall be taken by its eligible voting members. The result of that vote shall be communicated in writing to the dean or chancellor, who at least ten instructional days before any public announcement, shall communicate directly in writing with each faculty member of the affected program(s) to inform them of his or her intended action. The dean or chancellor shall make available to them the report described in Subsections BC.3 and BC.3.a below and its supporting documents, and the accompanying statement by the External Faculty Committee described in Subsection BC.3.b below (when available). At least five instructional days before any public announcement, the dean or chancellor shall convene the faculty of the identified program(s) for the purpose of explaining the review procedures to them, and informing them of the provisions under Subsections BC.5 and BC.6 below for representation of their views and presentation of supporting evidence.
3. The dean's or chancellor's intention to reorganize, consolidate, or eliminate the identified program(s) shall be announced within a period of thirty instructional days from the appointment of the External Faculty Committee (Subsection BC.2.a above). This announcement shall be made in the form of a detailed and specific report accompanied by a separate, independent statement

- 202 from the External Faculty Committee. Both of these documents shall be submitted by the dean or
203 chancellor to the Provost and the chair(s) of the affected unit(s), to the Chair of the Faculty
204 Senate, and to the Secretary of the Faculty, who shall publish them in a *Class C Bulletin* within
205 five instructional days of receiving them.
- 206
- 207 a. The dean's or chancellor's report shall:
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- 209 1. Justify the proposed measures in relation to existing program review materials and other
210 publicly available planning documents;
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- 212 2. Describe the impact of the proposed measures on the faculty in the identified program(s),
213 on other programs, and on the curriculum and students of the school, college, or campus
214 as a whole; and
- 215
- 216 3. Be accompanied by all supporting documents, which need not be published in the *Class*
217 *C Bulletin* referred to in Subsection BC.3 above, but must be made available to any
218 faculty member on request.
- 219
- 220 b. The External Faculty Committee's accompanying statement shall be prepared and signed by
221 its chair, and shall reflect the opinion of a majority of the External Faculty Committee. It shall
222 indicate:
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- 224 1. Whether in its view the program review process was fair, thorough, impartial, and
225 consistent in its use of appropriate criteria and materials, and
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- 227 2. Whether the External Faculty Committee supports or does not support the proposal of the
228 dean or chancellor, giving reasons therefor.
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- 230 4. Within five instructional days of receipt of the report and statement detailed in Subsection BC.3
231 above, the Chair of the Faculty Senate, after consultation with the Chair of the External Faculty
232 Committee and with the advice and consent of the Senate Executive Committee, shall appoint a
233 Review Committee consisting of four faculty members (including one designated as committee
234 chair), one member of the External Faculty Committee, one representative of the Graduate and
235 Professional Student Senate or other appropriate recognized graduate student organization, and
236 one representative of the Associated Students of the University of Washington or other
237 appropriate recognized undergraduate student organization (all with full participatory rights). The
238 formation and membership of this committee shall be announced in the *Class C Bulletin*
239 described in Subsection BC.3 above.
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- 241 5. The Review Committee's primary goal is to review the dean's or chancellor's report from the
242 perspective of the University and the public as described below with particular reference to the
243 justification offered. The Review Committee may receive or request additional materials or
244 arguments from the dean or chancellor, from the External Faculty Committee, from the faculty,
245 students, and staff of the identified program(s), and other constituencies in the University or the
246 public at large. Meetings to invite public comment shall be scheduled at times that permit
247 participation by the public. Within 20 instructional days of its appointment, the Review Committee
248 shall deliver its written recommendation to the President and the Provost. The recommendation
249 shall be transmitted at the same time to the dean or chancellor and to the chair(s) of the affected
250 program(s).
- 251
- 252 6. Following the submission of the Review Committee's written recommendations, the dean or
253 chancellor may propose a modified course of action, and the affected program(s) may submit an
254 additional statement. This statement may suggest alternatives to the measures proposed by the
255 dean or chancellor, giving detailed reasons based on educational policy and/or past reviews of
256 the program(s) in question, and may include additional relevant documentation. Any such
257 materials must be transmitted to the President and Provost within ten instructional days of the
258 delivery of the Review Committee's report.
- 259
- 260 7. After the President (or the President's delegate) confers with the Senate Committee on Planning
261 and Budgeting, he or she shall transmit a decision on the matter and accompanying

262 recommendations to the Board of Regents, when required, and to the dean(s) or chancellor(s),
263 the chair(s) of the affected program(s), and the Chair of the Faculty Senate within 15 instructional
264 days of the comment period provided for in Subsection BC.6 above. The President's decision
265 shall take careful account of the impact of the reorganization(s), consolidation(s), or elimination(s)
266 on the University's ability to perform its educational role and mission, and on the diversity of the
267 University community.
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269 **CD. Procedures for Limited Review of Reorganization, and Consolidation, or Elimination of**
270 **Programs**

271
272 ~~1. In order to reallocate resources, implement educational policies, or realign academic priorities,~~
273 ~~a dean or chancellor may at any time propose the reorganization of one or more programs~~
274 ~~within a school, college, or campus, or their consolidation with other units. The reallocation of~~
275 ~~graduate degree programs (Executive Order No. VII, Section 2) from one qualified academic~~
276 ~~unit (Executive Order No. VII, Section 4) to another, or to an interdisciplinary program within the~~
277 ~~Graduate School, is a limited reorganization that should follow the procedures outlined in this~~
278 ~~section.~~

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280 2. The Provost shall notify the dean or chancellor of the decision to initiate a limited review of the
281 proposal under the procedures of Chapter 26-41D.

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284 1. When the provost initiates a limited review of the dean's proposal as describe in section B 4. If
285 the proposed measures will not have the effects described in Subsection B. 13 above, the dean
286 or chancellor may proceed with the measures, provided:

- 287
- 288 a. The proposal results from detailed discussion with the affected program(s), and with
289 appropriate faculty advisory committees and students in the school, college, or campus;
 - 290
 - 291 b. A detailed justification of the proposed actions is submitted to the Provost and the Senate
292 Committee on Planning and Budgeting, taking account of the documentation described in
293 Subsection BC.2.f above; and
 - 294
 - 295 c. The measures are not implemented until the conclusion of a period of 20 instructional
296 days during which the faculty of the affected program(s) may exercise the option
297 described in Subsection CD.3 below.
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299 2. If a majority of the voting faculty in any of the affected academic program(s) determines by a
300 vote that a proposed reorganization or consolidation will have one or more of the effects
301 described in Subsection B.43 above, such majority may petition the Provost for a review under
302 the procedures for reorganization, consolidation, or elimination of programs (under Subsection
303 BC above). The Provost shall consider such petitions in consultation with the Senate
304 Committee on Planning and Budgeting, and within ten instructional days may either direct the
305 dean or chancellor to conduct a review of the proposed reorganization, consolidation, or
306 elimination of program following the procedures described in Subsections A and BC.2 through
307 BC.7 above, or decline to do so, in which case a detailed statement must be transmitted to the
308 petitioners, the dean or chancellor, and to the Chair of the Faculty Senate, explaining this
309 decision.
310

311 **DE. Procedures for Full Review of Reorganization, Consolidation, or Elimination of a College or**
312 **School**

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314 1. If the Provost and a majority of the members of the Senate Committee on Planning and
315 Budgeting concur that a budget reduction, a reallocation of resources, or a realignment of
316 academic priorities should be achieved by the elimination of a particular college or school in its
317 entirety, or by its reorganization or consolidation with another college or school, the Provost shall
318 request that the Chair of the Faculty Senate appoint a Review Committee of five faculty and the
319 two student members described in Subsection B.4C.3 above.
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- 321 2. The Provost shall submit to the Review Committee a detailed justification of the proposed
322 measure, prepared on the basis of the materials described in Subsection BC.2.f above and other
323 appropriate planning documents made available by the central administration, provided they have
324 been previously submitted to the dean or chancellor and faculty of the college or school in
325 question for review and comment. The justification shall:
326 a. Review alternatives and explain why elimination of the college or school is preferable; and
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328 b. Protect to the maximum extent possible the aspects of the University described in Subsection
329 ~~B.2g-C/4f~~ C.2.g above.
- 330 3. The Secretary of the Faculty shall publish the Provost's proposal, and the accompanying
331 justification, in a *Class C Bulletin* within five instructional days of receiving them.
332
333 4. The Review Committee shall conduct a review of the Provost's proposal in the manner described
334 in Subsection BC.5 above, and shall deliver its written recommendation to the President, Provost,
335 deans or chancellors of the affected college or school, and the Chair of the Faculty Senate, within
336 thirty instructional days of the publication of the *Bulletin*.
337
338 5. Following the delivery of the Review Committee's report, the Provost may propose a modified
339 course of action, and the dean or chancellor of the affected college or school may submit an
340 additional statement of the kind described in Subsection BC.6 above. Any such materials must be
341 submitted to the President within ten instructional days of the delivery of the Review Committee's
342 report.
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344 6. Within 15 instructional days of the end of the comment period provided for in Subsection DE.5
345 above, and after the President (or the President's delegate) confers with the Senate Committee
346 on Planning and Budgeting, he or she shall transmit a final decision and accompanying
347 recommendations to the Board of Regents, when required, the deans or chancellors, and the
348 Chair of the Faculty Senate.
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351 **EF. Procedures for Limited Review of Reorganization and Consolidation of Colleges and**
352 **Schools**
353

- 354 1. In order to reallocate resources or implement educational policies, or align academic priorities,
355 the Provost may at any time propose the consolidation of colleges and schools. If the proposed
356 measure will not have the effects described in Subsection B.4.3 above, the Provost may proceed
357 with the measures, provided:
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359 a. The proposal results from detailed discussion with the affected colleges or schools, and with
360 appropriate faculty advisory committees in the colleges or schools;
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362 b. A detailed justification of the proposed actions is submitted to the President and the Senate
363 Committee on Planning and Budgeting, taking account of the documentation described in
364 Subsection BC.2.f above; and
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366 c. The measures are not implemented until the conclusion of a period of 20 instructional days
367 during which the faculty of the affected college/school(s) may exercise the option described in
368 Subsection EF.2 below.
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- 370 2. If a majority of the voting faculty of an affected college or school determines by a vote that a
371 proposed reorganization or consolidation will have one or more of the effects described in
372 Subsection B.4.3 above, such majority may petition the President for a review under the
373 procedures for elimination of a college/school. The President, or the President's delegate, shall
374 consider such petitions in consultation with the Senate Committee on Planning and Budgeting,
375 and within ten instructional days may either direct the Provost to conduct a review following the
376 procedures described in Subsection DE above, or decline to do so, in which case a detailed
377 statement must be transmitted to the petitioners and the Chair of the Faculty Senate, explaining
378 why a review under Subsection DE above is not deemed appropriate.
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380 3.

Approved by:
Senate Executive Committee
October 5, 2015

Approved by:
Faculty Senate
October 22, 2015

Approved by:
Senate Executive Committee
November 16, 2015

Approve by:
Faculty Senate
December 3, 2015

Class A Legislation.**Proposed Amendments to the Faculty Code Regarding Dispute Resolution Procedures.**

Rationale:

The Secretary of the Faculty and the University Ombud identified several updates needed in the existing *Faculty Code* language to reflect current requirements and procedures regarding communication between their offices during Conciliatory Proceedings (Chapter 27). In addition to minor reorganization of content and editorial changes to increase clarity of the chapter, the following amendments clarify annual reporting requirements for the University Ombud and shift the responsibility of tracking conciliation time limits from the Secretary of the Faculty to the Ombud to reflect actual practice. Lastly, for the purposes of adjudication time limits in Chapter 28, the Ombud would be required to notify the Secretary of the Faculty of the conclusion of a conciliation in addition to the currently required notification of the assignment of a conciliation officer to a case.

Over the past year, the Secretary of the Faculty worked with members of the President's and Provost's offices, members and the chair of the Adjudication, the UW Attorney General's Office, and the University Ombud to identify updates needed in the existing language in Chapter 28 of the *Faculty Code* to fill gaps in processes, add clarity, and to reflect current requirements and procedures. Specific rationale is provided with each modified section.

University of Washington

Faculty Code and Governance**Faculty Code****Chapter 27****Administrative and Conciliatory Proceedings for the Resolution of Differences**

This chapter describes the informal proceedings available for the resolution of differences as described in Chapter 25, Section 25-62. The proceedings set forth in this chapter are ~~permissive, not mandatory~~ **voluntary**. A faculty member may instead initiate a request for adjudicative proceedings, keeping in mind the time limits of Chapter 28, Section 28-35. Should the faculty member choose to engage in administrative and/or conciliatory proceedings prior to seeking adjudication, time limits provided in Chapter 28, Section 28-35 shall be extended for the period required for completion of such proceedings. Administrative and conciliatory proceedings are always available, with no time limits.

Section 27-31 Administrative Proceedings

The faculty member may first discuss the issue about which he or she is concerned with the appropriate department chair and, if the faculty member so wishes, the academic dean. The matter may be concluded by mutual consent at this point.

Section 27-41 ~~Conciliatory Proceedings~~ Conciliation Officers and Conciliation Board

If the process of resolution by mutual consent under Section 27-31 does not take place or fails, the faculty member or the dean may request the assistance of a conciliation officer as a neutral third party by applying to the University Ombud for the assignment of a conciliation officer. Conciliatory proceedings aim at resolving problems by informal means without resorting to the more formal adjudicative proceedings provided in Chapter 28.

A. Conciliation Officer Eligibility

Conciliation officers shall be tenured members of the faculty, associate and full professors without tenure for reasons of funding, or emeritus faculty who are familiar with procedures and opportunities for the resolution of disputes or complaints involving faculty members.

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B. Conciliation Officer Numbers and Terms

There shall be no fewer than six conciliation officers who shall serve three-year terms.

C. Conciliation Officer Selection

Conciliation officers shall be selected by the President from a list of names exceeding the number of positions to be filled, prepared, and approved by the Senate Executive Committee. Vacancies for the remainder of unexpired terms shall be filled according to this same procedure. Conciliation officers may be reappointed to successive terms by mutual consent of the President and the Senate Executive Committee.

D. Conciliation Officer Removal

Any conciliation officer may be removed during his or her term of office by concurrent decision of the President and the Senate Executive Committee.

E. Attachment to University Ombud

Conciliation officers shall be attached to the Office of the University Ombud but shall be limited in their activity to disagreements arising among faculty members or between individual faculty members and the University administration.

F. Conciliation Board

In attempts to achieve conciliation of differences (Section 27-41), the conciliation officer assigned to a case shall have the assistance and advice of a Conciliation Board, consisting of the University Ombud and the other conciliation officers. The Conciliation Board shall:

1. Advise or assist the conciliation officer, at his or her request, on conciliation efforts in which he or she is engaged; and
2. Report annually to the President, the Secretary of the Faculty, and the Senate Executive Committee the number of conciliations, if voluntary disposition was or was not achieved, and any as to observed patterns of disputes which have occurred, together with any recommendations to be studied by the appropriate faculty council for legislative consideration.

G. Conciliation Officer Assignment

The University Ombud, who may consult with the other members of the Conciliation Board (Section 27-42), shall determine which conciliation officer shall be assigned to a case, and shall inform the Secretary of the Faculty of appointments made. No conciliation officer shall be assigned to a case arising within his or her own school or college.

Section 27-42—Conciliation Board Conciliatory Proceedings

BA. Investigation by Conciliation Officer

The assigned conciliation officer is authorized to investigate the matter, to examine and collect documents and other information, and to discuss the issues with both sides with a view to achieving a mutually agreeable resolution. In discussions with the conciliation officers, only the parties may participate.

CB. Conciliation Officer as Intermediary

The assigned conciliation officer shall act as an intermediary. Although free to advise and assist the parties to the dispute in analyzing the situation and in crystallizing the issues, the officer does not serve as a representative or counsel for any party.

89

90 DC. Privileged and Confidential Proceedings

91

92 Statements and information divulged in the course of the conciliatory proceedings shall be privileged
93 and confidential. They may be shared by the conciliation officer only in the course of consultation with
94 the University Ombud and the Conciliation Board. They shall not be used for impeachment purposes
95 nor shall they be discoverable or subject to subpoena or disclosed to anyone else, including the
96 Hearing Committee conducting a subsequent adjudicative hearing, or the other parties involved, or in
97 any other adjudicative or judicial proceeding, without the written permission of the individual who
98 divulged the original information. All materials shall be returned to the appropriate parties at the
99 conclusion of the conciliatory proceedings.

100

101 ED. Concluding Conciliatory Proceedings

102

103 Either party may decide to end conciliatory proceedings at any time. Ordinarily, the conciliation effort
104 shall conclude within 60 days of the request for conciliation. The ~~Secretary of the Faculty~~ University
105 Ombud shall keep the parties informed of these time limits. Upon completion or breaking off of the
106 proceedings, the conciliation officer shall take one of two possible actions:

107

108 1. If a voluntary disposition was achieved, its results and terms shall, in writing, be given ~~in writing~~
109 by the officer to the parties to the conciliation and filed with the University Ombud ~~and the~~
110 Secretary of the Faculty.

111

112 2. If a voluntary disposition was not achieved, the officer shall, in writing, notify the parties and the
113 University Ombud that the conciliatory proceedings have ended and that adjudicative
114 proceedings may be available, as described in Chapter 28. The faculty member may seek advice
115 from the Secretary of the Faculty or the University Ombud about these procedures.

116

117 FE. University Ombud Report to the Secretary of the Faculty

118

119 At the termination of a conciliation proceeding, the ~~conciliation officer~~ University Ombud shall
120 promptly report to the ~~Conciliation Board~~ Secretary of the Faculty the date of termination of the
121 proceeding, the general nature of the dispute and whether a mutually agreeable resolution was or
122 was not achieved.

123

124 Section 27-42 Conciliation Board

125

126 ~~A. In attempts to achieve conciliation of differences (Section 27-41), the conciliation officer assigned to a~~
127 ~~case shall have the assistance and advice of a Conciliation Board, consisting of the University~~
128 ~~Ombud and the other conciliation officers.~~

129

130 ~~B. The Conciliation Board shall:~~

131

132 ~~1. Advise or assist the conciliation officer, at his or her request, on conciliation efforts in which he or~~
133 ~~she is engaged; and~~

134 ~~2. Report annually to the President and the Senate Executive Committee as to observed patterns of~~
135 ~~disputes which have occurred, together with any recommendations to be studied by the~~
136 ~~appropriate faculty council for legislative consideration~~

137

University of Washington

Faculty Code and Governance

Faculty Code

Chapter 28

Adjudicative Proceedings for the Resolution of Differences

This chapter sets forth the adjudicative procedures to be used in resolving disputes involving faculty members that cannot be resolved by informal means. Informal dispute resolution procedures are available at any time during the resolution process, including the time period after a hearing has been requested and before a final decision has been reached. Such procedures include the Conciliation procedure through the Office of the University Ombud. The parties are strongly encouraged to use those procedures and other informal mediation procedures whenever possible.

The adjudicative procedures set forth in this chapter comply with the requirements of the Washington Administrative Procedure Act (Chapter 34.05 RCW) There are two types of adjudication: the brief adjudication, held before a hearing officer and used in cases that do not warrant an extended fact-finding hearing, and the comprehensive adjudication, which uses a hearing officer as well as a faculty panel, or in some cases, a faculty/student or staff panel. Results of brief adjudications are appealable only if the Brief Adjudication Review Panel reverses or amends the decision of the hearing officer. Results of brief or comprehensive adjudications in which the President is a party to the controversy are appealable to the Board of Regents. Results of adjudications in which the President is not a party to the controversy are appealable to the President. Subject to the provisions of Chapter 34.05 RCW relating to exhaustion of administrative remedies, parties shall avail themselves of these proceedings prior to seeking review beyond the University.

Section 28-31 Definitions

The following terms used in this chapter shall have the meanings set forth below:

- A. Adjudication Panel** is the standing committee of faculty members, ~~students and staff~~ selected pursuant to Section 28-33, Subsection B. Members of any hearing panel or other decision making group for a specific case are selected from the Adjudication Panel.
- B. Brief adjudication** is an informal adjudication used for cases involving a limited number of persons, simple factual issues and minor impact on the persons involved. Section 28-41 sets forth the types of cases for which brief adjudications are used and the procedures to be followed.
- C. Comprehensive adjudication** is the formal hearing process used for all cases except the minor cases that are resolved with brief adjudications. Sections 28-51 through 28-54 set forth the procedures to be followed.
- D. Hearing officer** is an attorney appointed by the Chair of the Faculty Senate and the President, who performs the following functions:
1. For comprehensive adjudications, he or she coordinates the comprehensive adjudication but generally does not have voting power on the final decision; and
 2. For brief adjudications, he or she conducts the adjudication without a hearing panel and is the initial decision maker, subject to review ~~of~~ by a panel of faculty.
 3. May be appointed to serve as the Adjudication Panel Chair under Section 28-33 B.

The hearing officer's qualifications and appointment procedure are specified in Section 28-33, Subsection C.

- 189 **E. Hearing panel** is a group consisting of members of the Adjudication Panel who preside over
 190 comprehensive adjudications. The composition of a panel for specific types of cases, and the method
 191 of selecting members of a panel, are set forth in Section 28-33, Subsections D and E. When used
 192 alone, the term "panel" refers to a hearing panel.
 193
- 194 **F. Day** is any calendar day. Any time period specified in this chapter shall not include the day of the act
 195 or event from which the time period begins to run. If the time period specified is less than five days,
 196 then "day" shall include only business days.
 197
- 198 **G. Party** is the person who has requested an adjudication and the person or persons whose actions or
 199 failure to act are identified in the petition as having given rise to the grievance. The term "party" as
 200 used herein does not include nonparty participants and does not include persons, such as a dean or
 201 the University Complaint Investigation and Resolution Office (UCIRO), who refer a matter to the
 202 Provost for possible action pursuant to Section 28-32, Subsection A.
 203
- 204 **H. Administrative party of right** is a person, not identified in the petition, who, for good and valid
 205 reason, is a necessary party by virtue of being immediately superior in administrative rank to a
 206 respondent (for example, the dean of a school or college in which a department chair is a respondent)
 207 and whose request to participate in the proceeding has been granted by the hearing officer. The
 208 administrative party of right shall participate as a respondent to the petition and shall have the same
 209 rights and be subject to the same responsibilities as a party.
 210
- 211 **I. Nonparty participant of right** is the person or persons who are alleged to be the victims of any
 212 harassment, discrimination or other wrongdoing alleged in the petition, such as a person whose ideas
 213 or research allegedly has been misappropriated by a faculty member.
 214
- 215 **J. Permissive nonparty participant** is any person who has a substantial interest that will be affected
 216 by the outcome of a comprehensive adjudication and whose request to participate in the proceeding
 217 has been granted by the hearing officer, pursuant to the provisions of Section 28-51, Subsection A.
 218
- 219 **K. Nonparty participant**, where not specified, applies both to nonparty participants of right and to
 220 permissive nonparty participants.
 221
- 222 **L. Faculty member** is any person who, at the time of the decision, action or inaction being contested,
 223 meets the definition of faculty member as set forth in Chapter 21, Section 21-31 and would be eligible
 224 to invoke the adjudication procedures of this chapter for resolution of a grievance described in
 225 Section 28-32, Subsection B.
 226
- 227 **M. Petition** is the document filed by the person requesting an adjudication, in order to begin the
 228 adjudication. The contents of the petition and the manner of filing are specified in Section 28-36.
 229

230 RATIONALE: The record of an adjudication was previously defined only for Brief Adjudications in Section
 231 28-41. The definition has been moved up to the definitions section so that it encompasses all
 232 adjudications. Minor changes have been made to reflect some differences with brief adjudications as well
 233 as the new Section 28-82.

- 234
- 235 **N. The Record** of an adjudication or dispositive decision by the Chair of the Adjudication Panel or
 236 intermediate panels described below shall consist of only the following:
 237
- 238 1. The notice and petition filed by the party initiating the adjudication, all responses filed by other
 239 parties, and decisions and appointments of panels and hearing officers by the Chair;
- 240 2. Evidence received or considered;
- 241
- 242 3. All written statements submitted by persons and parties; ~~all written records of oral communication~~
 243 ~~prepared by the hearing officer and circulated to the parties and all amendments thereto that~~
 244 ~~have been submitted;~~
- 245
- 246 4. The transcript or recording of any hearing held during the course of the adjudication; and

247
248 **5.** In a Brief Adjudication, the record shall also include (a) all written records of oral communication
249 prepared by the hearing officer and circulated to the parties pursuant to Section 28-41.
250 Subsection C. below, and all amendments thereto that have been submitted, (b) any other
251 document regarding the matter that was considered or prepared by the Brief Adjudication Panel,
252 or by the hearing officer or by the Brief Adjudication Review Panel during review of the hearing
253 officer's decision, and (c) when applicable, the Adjudication Summary prepared by the Chair of
254 the Adjudication Panel.

255
256 **6.** The record shall not consist of deliberations referenced in Section 28-82.
257

258 **Section 28-32 Cases Subject to Adjudications**

259 **A. Determining Reasonable Cause**

260
261 If the University Complaint Investigation and Resolution Office (UCIRO), a dean or any other
262 authorized administrative official files with the Provost a written report that claims reasonable causes
263 exist to adjudicate charges that a faculty member has violated University regulations or state or
264 federal laws pertaining to the faculty member's performance of his or her duties, the Provost shall
265 determine whether such reasonable cause exists. If the report is filed by the UCIRO, the Provost shall
266 first appoint a special committee of three faculty members who are not involved in the matter being
267 considered and who are members of the Adjudication Panel. No member of this special committee
268 shall subsequently serve on any panel hearing or review any adjudication arising out of or related to
269 the matters set forth in the report. Based solely on the written record of the investigation, the special
270 committee shall assist and advise the Provost in his or her evaluation of whether reasonable cause
271 exists. If the Provost believes such reasonable cause exists, then, before taking any disciplinary or
272 punitive action against such faculty member, the Provost shall initiate an adjudication for resolution of
273 such charges by filing a petition in the time and manner specified below.
274
275

276 **B. Initiating an Adjudication**

277
278 A faculty member may initiate an adjudication under this chapter by filing a petition for adjudication
279 within the time limitations specified in Section 28-35 and in the manner specified below, for resolution
280 of a dispute which falls within one or more of the following categories:
281

- 282 1. Cases in which it is alleged that an authorized University official, through action or inaction, has
283 violated University regulations thereby affecting the terms, conditions, or course of employment of
284 the petitioning faculty member. Examples of such cases include, but are not limited to, allegations
285 that University regulations were violated in the denial of tenure or promotion or in the process of
286 program elimination.
287
- 288 2. Cases where the right to an adjudication is specifically granted to a faculty member under another
289 section of the *Faculty Code*.
290
- 291 3. Cases in which the petitioning faculty member alleges an injustice resulting from decisions,
292 actions, or inactions of any persons acting on behalf of the University in an administrative
293 capacity and affecting the terms, conditions, or course of employment of the faculty member by
294 the University. In cases involving denial of tenure or promotion, program elimination or
295 discriminatory salary reduction, decisions relating to merit or quality of the faculty member can be
296 reviewed only to the extent necessary to determine whether the decision being questioned was
297 affected by factors other than the relevant and permissible considerations in making the particular
298 decision being challenged. Such relevant and permissible considerations are set forth in sections
299 of the *Faculty Code* chapters addressing appointment, promotion and tenure of faculty members,
300 including but not limited to Chapter 24, Sections 24-32, 24-33, 24-34, 24-35 and Chapter 25,
301 Section 25-32, as amended.
302

303 For purposes of this section, "injustice" shall include, but is not limited to:

- 304 A. Any action taken that was based at least in part on a legally impermissible reason or on any
305 other reason that was unfair in light of the decision being made; and

- 306
307 B. Any action that was not supported by an articulated reason that can be shown to be fair and
308 relevant to the circumstances.
309

310 **Section 28-33 Adjudication Panel and Hearing Panels**
311

312 RATIONALE. Changes in this section include:

- 313 1. Restricting appointments to the Adjudication Panel to voting or emeritus faculty. Non-voting faculty
314 may not have the institutional experience or scheduling availability to serve on panels. Emeritus
315 faculty have been voting faculty in good standing at the time of retirement and may lend valuable
316 perspectives to the panel. There is no history of non-voting faculty ever being appointed to the
317 adjudication panel, and some members retire during their term and are willing to complete their terms
318 while on emeritus status. As is currently the case, all members nominated by the SEC must be
319 confirmed by the Senate.
320 2. Appointing staff or student members to the Adjudication Panel only when a case involving a student
321 or staff member is filed. There is no record of any adjudications proceeding with student or staff in
322 recent memory, so requiring regular appointment of these members is an unnecessary use of time
323 and resources. In the case where such appointments are appropriate, the process remains the same.
324 3. Allowing the appointment of a Vice-chair of the Adjudication Panel. This person would be able to
325 serve in the place of the Chair in the chair's absence or conflict of interest. Allows for appointment of
326 hearing officer as chair of Adjudication Panel if no faculty member can be identified to serve.
327 4. Restricts hearing officers to attorneys who are not members of the UW faculty. There is no record of
328 current employees of the University faculty or staff having been appointed as hearing officers and
329 explicitly restricting the appointment to individuals external to the UW limits potential conflicts of
330 interest.
331 5. Reduces the typical size of the hearing panel from 5 members to 3. Scheduling hearings with five
332 members is often challenging and prolongs the adjudication process. At the request of one of the
333 parties, the size of the panel can be expanded to five.

334
335 **A. The Hearing Officer**
336

337 Brief adjudications shall be heard by a hearing officer who has been appointed under the procedures
338 specified below. Every other adjudication under this chapter shall be heard by a hearing officer and a
339 hearing panel, appointed by the Chair of the Adjudication Panel under the procedures specified
340 below.
341

342 **B. The Adjudication Panel**
343

344 The Adjudication Panel shall be a standing committee consisting of:

- 345
346 1.—At least 24 members of the faculty, selected broadly from the colleges, schools, and campuses,
347 nominated by the Senate Executive Committee and approved by the Faculty Senate. Eligible
348 members shall be limited to voting faculty and emeritus faculty who were voting faculty at the time
349 of retirement. Faculty members of hearing panels for specific cases are selected from the
350 Adjudication Panel. Students, staff members, and non-faculty academic personnel may serve on
351 a hearing panel on a case by case basis if called to serve under the provisions of Subsection D,
352 below.
353
354 ~~2.— At least six student members selected by the ASUW and the GPSS, under procedures~~
355 ~~established by the ASUW and the GPSS in cooperation with the Chair of the Faculty Senate, and~~
356 ~~approved by the Faculty Senate (see Class C Resolution at the end of Chapter 28 [Footnote]);~~
357
358 ~~3.— At least six staff members selected by the University Office of Staff Personnel, under procedures~~
359 ~~established by that office in cooperation with the various organizations representing University~~
360 ~~employees, and approved by the Faculty Senate. Faculty, student, and staff members of hearing~~
361 ~~panels for specific cases are selected from the Adjudication Panel.~~
362

363 During the selection and appointment process for the Adjudication Panel, the commitment of the
364 University to affirmative action and the necessity of diversity in the decision making body shall be

365 adhered to. ~~The Chair of the Adjudication Panel shall be nominated annually by the Senate~~
 366 ~~Executive Committee from among the Adjudication Panel faculty members and shall be approved by~~
 367 ~~the Senate.~~ No department chair, school director, assistant dean, associate dean, dean, vice
 368 chancellor, or chancellor shall serve on the Adjudication Panel. Faculty and staff Adjudication Panel
 369 members shall serve three-year terms. ~~Student Adjudication Panel members shall serve one-year~~
 370 ~~terms.~~ Adjudication Panel members and the Chair of the Adjudication Panel are eligible for
 371 reappointment except that in the event that a panel member has served two consecutive terms, then
 372 such a member shall be ineligible for reappointment for a period of three years. A chair and vice-chair
 373 of the Adjudication Panel shall be nominated annually by the Senate Executive Committee from
 374 among the Adjudication Panel faculty members and shall be approved by the Senate. In the
 375 extraordinary event that neither a chair and/or vice-chair cannot be identified from among the faculty,
 376 a hearing officer may be temporarily appointed in the same manner to serve as Adjudication Panel
 377 Chair.

379 C. Hearing Officer Appointments

380
 381 At least three hearing officers shall be appointed jointly by the President and the Chair of the Faculty
 382 Senate. The terms and conditions of a hearing officer's appointment shall be determined jointly by the
 383 President and the Chair of the Faculty Senate. All such hearing officers must be attorneys admitted to
 384 the practice of law in at least one United States jurisdiction and shall have knowledge of hearings
 385 procedures and university and faculty matters. No University of Washington employee ~~department~~
 386 ~~chair, school director, associate dean, or dean~~ shall serve as a hearing officer.

388 D. Nonparty Participant of Right

389
 390 All comprehensive adjudications involving a non-party participant of right who is ~~either~~ a student, staff
 391 member, or non-faculty academic personnel, shall be heard by a hearing officer and, unless waived
 392 by all of the parties, a hearing panel composed of:

- 394 ~~1. Two student members of the Adjudication Panel (in a case involving allegations by a student) or~~
 395 ~~two staff members of the Adjudication Panel (in a case involving allegations by a staff member),~~
 396 ~~and~~
- 398 ~~2.1. Five Three~~ faculty members or, upon the request of one party, with the unanimous consent of the
 399 ~~parties, three~~ five faculty members of the Adjudication Panel and,
- 401 ~~2. In a case involving~~ arising from allegations by a student, two student members, who shall be
 402 appointed from a list of at least six eligible students selected by the ASUW and the GPSS, under
 403 procedures established by the ASUW and the GPSS, and approved by the Faculty Senate Chair,
 404 or
- 406 ~~3. In a case involving~~ arising from allegations by a staff member or non-faculty academic personnel,
 407 two staff members from the relevant constituency, who shall be appointed from a list of at least
 408 six eligible candidates, nominated by the Secretary of the Faculty, in consultation with the
 409 campus organization(s) most closely representing the constituency of the non-party participant,
 410 and approved by the Faculty Senate Chair.

412 E. Number of Hearing Panel Faculty Members

413
 414 All other adjudications shall be heard by a hearing officer and a hearing panel of ~~five~~ three faculty
 415 members, except that upon the request of at least one of the parties, the hearing panel ~~may~~ shall be
 416 ~~reduced~~ increased to ~~three~~ five faculty members, or with the unanimous consent of the parties the
 417 hearing panel may be waived.

419 F. Role of Hearing Officer

420
 421 The role of the hearing officer serving with a hearing panel on a comprehensive adjudication shall be
 422 that of administrative coordinator. The hearing officer shall not have a vote on the final decision of the
 423 panel or on interim decisions of the panel while the adjudication is pending, except as specifically
 424 noted below. The hearing officer shall be responsible for communications between the parties and the

425 panel while the adjudication is pending and shall be responsible for conducting the adjudication in
426 compliance with the *Faculty Code* and any applicable law. All actions other than the final decision that
427 are to be taken by the panel under this chapter may be taken by the hearing officer if so directed by
428 the panel. The hearing officer shall make all legal rulings, as specified below, but any such rulings,
429 including procedural decisions and interpretations of the *Faculty Code* or applicable law, are subject
430 to revision or reversal by the hearing panel.

431

432 **G. Diversity and Impartiality of Hearing Panel**

433

434 In selecting members of a particular hearing panel, the Chair of the Adjudication Panel shall attempt
435 to achieve the highest degree of diversity and impartiality and make every possible effort to select
436 panel members with differing backgrounds that the chair deems relevant to the issues at hand and
437 the persons involved. This requirement is especially important to observe in cases where unlawful
438 discrimination is alleged. The purposes of this provision are to broaden the perspective of the panel,
439 and increase the panel's ability to understand the motivations of the persons involved.

440

441 **H. Role of Hearing Panel Members**

442

443 The role of any member of a hearing panel, including students or staff, or non-faculty academic
444 personnel who may serve on a panel, shall be that of an impartial fact finder and judge and shall not
445 be that of an advocate for any of the parties to the adjudication.

446

447 **I. Hearing Panels Meeting During Summer**

448

449 Hearing panels may, but are not required to, meet during the period of June 16 through September 15.

450

451 **Section 28-34 Burden and Standard of Proof**

452

453 The burden of proof with respect to claims made in the petition that commences an adjudication under
454 this chapter is on the party filing the petition. The burden of proof with respect to any counter claims made
455 by a party in a responsive pleading is on that party. The applicable standard of proof for all adjudications
456 under this chapter shall be the preponderance of the evidence.

457

458 **Section 28-35 Time Limitations on Initiating Adjudications**

459

460 **A. Initiation of an Adjudication by the Provost**

461

462 In order for the Provost to initiate an adjudication pursuant to Section 28-32, Subsection A, the
463 Provost shall file a Notice of Request for Adjudication and a petition in the form and manner specified
464 in Section 28-36 within 30 days after receipt by the Provost of the written report alleging that
465 reasonable cause exists to adjudicate charges against a faculty member; provided that in cases
466 where the report was filed with the Provost by the University Complaint Investigation and Resolution
467 Office (UCIRO), the Provost shall file the Notice of Request for Adjudication and petition within 45
468 days after receipt by the Provost of such report.

469

470 **B. Initiation of an Adjudication by a Faculty Member**

471

472 In order for a faculty member to initiate an adjudication pursuant to Section 28-32, Subsection B, the
473 faculty member shall file a Notice of Request for Adjudication and a petition in the form and manner
474 specified in Section 28-36 and within:

475

476 1. Ninety days after the faculty member has received notice of the action, decision or inaction that
477 gives rise to the faculty member's right to an adjudication under Section 28-32, Subsection B; or

478

479 2. Ninety days after the faculty member has discovered or reasonably should have discovered the
480 action, decision or inaction or the underlying facts regarding such action, decision or inaction that
481 gave rise to the faculty member's right to adjudication, if later than Subsection B.1.

482 Notwithstanding the foregoing, the time periods specified in Subsection B.1 and this subsection
483 shall be suspended during the period of June 16 through September 15 if the faculty member's
484 contract does not include such period.

485

486 RATIONALE: TIME LIMITS ON FILING ADJUDICATIONS. The change in C. (below) clarifies that time
 487 limits are suspended for informal dispute resolution for which specific records of initiation and termination
 488 dates are kept and thus can be documented. Informal discussions among parties or with the Ombud,
 489 where the start and end dates are not documented, would not be included in the mandatory suspension
 490 of the time limits, although the parties retain the right (described in D, below) to specifically argue that
 491 time limits be suspended on the grounds of a gross injustice. Adding the term "specifically" to D. clarifies
 492 that the burden to argue a gross injustice rests with the party bringing the adjudication.

493

494 **C. Initiation of an Adjudication Following Informal Dispute Resolution**

495

496 Notwithstanding Subsections A and B of this section, if the parties choose to engage first in informal
 497 dispute resolution ~~proceedings activities~~, such as ~~mediation or the conciliatory~~ conciliation as
 498 described in Chapter 27 ~~or mediation~~, and such ~~proceedings activities~~ are commenced within the time
 499 limits required above for commencement of an adjudication, then the time limits required in this
 500 section for commencement of an adjudication shall be suspended until such informal dispute
 501 resolution ~~proceedings activities~~ are completed. If the informal dispute resolution ~~proceedings~~
 502 ~~activities~~ do not resolve the dispute, then an adjudication must be initiated within 30 days of the
 503 conclusion of such ~~proceedings activities~~. ~~A party initiating an adjudication~~ All parties involved in a
 504 dispute shall provide written notice to the Secretary of the Faculty of the dates of the beginning and
 505 conclusion commencement of any informal dispute resolution proceedings activities. Any party who is
 506 no longer willing to participate in informal dispute resolution activities shall notify the Secretary of the
 507 Faculty and the other parties, and this shall end the suspension period.

508

509 **D. Untimely Filing Special Committee**

510

511 If a party does not file a Notice of Request for Adjudication and petition within the time limits
 512 prescribed in Subsections A, B and C above, then the right to an adjudication shall terminate.
 513 Notwithstanding the foregoing, if a faculty member files a Notice of Request for Adjudication and a
 514 petition after the time limits prescribed in Subsections A, B and C above have expired, and such
 515 notice and petition specifically and expressly allege that circumstances exist which would make it
 516 grossly unjust to refuse to grant the adjudication on the basis of untimeliness, then the Chair of the
 517 Adjudication Panel shall appoint a special committee of three panel members. The special committee
 518 shall determine whether the adjudication should be granted despite the untimely filing, on the grounds
 519 that it would be grossly unjust to refuse to grant the adjudication. In making such determination, the
 520 following factors shall be considered by the special committee:

521

- 522 1. The seriousness of the actions, events, or decisions from which a claim for relief allegedly arises,
 523 and the seriousness of the alleged impact on the person seeking relief.
- 524 2. The reasons for the untimely filing and the extent to which they were or were not within the
 525 control of the person seeking relief.
- 526 3. The degree of probable prejudice to other parties to the adjudication if the adjudication is granted.
 527 The special committee shall make its determination within ten days of notice of its appointment.

528

529 **Section 28-36 Manner of Initiating Adjudications**

530

531 RATIONALE: Changes below are proposed to update the Faculty Council to reflect current procedural
 532 practices and also 1) allows the Adjudication Panel Chair to, in certain circumstances, recommend to the
 533 hearing panel measures to increase efficiency of the adjudication process and 2) postpones distribution of
 534 materials to hearing panel members until all challenges have been resolved.

535

536 **A. Filing an Adjudication Petition with the Secretary of the Faculty**

537

538 The person requesting an adjudication shall file a Notice of Request for Adjudication and a petition
 539 with the Secretary of the Faculty. The Secretary of the Faculty shall maintain and make available
 540 upon request written procedures for filing an adjudication petition and may decline to accept an
 541 incomplete or improperly submitted petition. Until a petition is accepted by the Secretary of the
 542 Faculty, it shall not be deemed filed for purposes of evaluating it under the time limits prescribed. The
 543 Notice of Request for Adjudication shall be substantially the same form as prescribed by the

544 ~~Adjudication Panel and made available to the Provost and faculty members.~~ The petition shall set
545 forth with reasonable particularity the ~~reason-basis~~ reason-basis for the request for adjudication under Section 28-
546 32, the relief sought, and the facts relied upon as the grounds for the petition and the relief sought. If
547 the Provost is the requesting party, the Provost shall include a copy of the written report from the
548 University Complaint Investigation and Resolution Office (UCIRO), the dean, or other administrative
549 official that forms the basis of the request for adjudication. Within seven days of receipt of a notice
550 and petition, the Secretary of the Faculty shall ~~prepare an Adjudication Summary form that sets forth~~
551 ~~the names of the persons receiving the notice and petition, the persons who are required to respond~~
552 ~~and the time limits and procedure to follow when responding,~~ and deliver complete copies of the
553 notice, the petition, and the ~~summary~~ time limits and procedures for response to the Provost, the
554 Chair of the Adjudication Panel, other parties, nonparty participants of right, if any, and any other
555 faculty member, dean, or official of the administration, student or staff member who is named in the
556 petition.

557
558 **B. Filing a Response to a Petition**

559
560 Any party against whom relief is sought shall respond to the petition by filing a response, which sets
561 forth which facts of the petition are accepted and which are contested and any further assertions of
562 fact or reasons why the relief requested should not be granted. The response shall be filed with the
563 Secretary of the Faculty within 30 days of receipt of the notice, ~~and petition and summary.~~ The
564 Secretary of the Faculty shall deliver complete copies of the response within seven days of receipt to
565 all persons ~~listed on the summary~~ who have received copies of the notice and petition.
566 Notwithstanding the foregoing, the time period for filing the response shall be suspended upon
567 commencement of informal dispute resolution ~~proceedings~~ activities after the filing of the notice and
568 petition but before the due date of the response. In the event that informal dispute resolution
569 ~~proceedings~~ activities have been initiated, the ~~University Ombud or such other person who has been~~
570 ~~requested to conduct the informal dispute resolution proceeding~~ parties shall provide written notice to
571 the Chair of the Adjudication Panel and to the Secretary of the Faculty. If the informal dispute
572 resolution ~~proceedings~~ activities terminate without resolving the dispute, a party shall notify the Chair
573 of the Adjudication Panel and the Secretary of the Faculty. The response shall be due on the later of
574 ten days after the termination of such ~~proceedings~~ activities and the expiration of the original 30-day
575 period for filing the response excluding the days during which the conciliation proceeding was open.

576
577 **C. Determination by Chair of the Adjudication Panel**

578
579 Within 14 days of receipt of the response, or within 14 days after expiration of the 37-day period
580 following receipt of the notice and petition, whichever is earlier, the Chair of the Adjudication Panel
581 shall:

- 582 • Determine whether the notice and petition have been properly and timely filed. In determining
583 timeliness, the Chair shall have discretion to consider a petition, or response timely if the Chair
584 determines that there has been a minor and nonprejudicial clerical or counting error in
585 determining the applicable time limits;
- 586 • Determine whether a brief adjudication is appropriate under the provisions of Section 28-41
587 below, and if so, appoint a hearing officer to conduct the adjudication;
- 588 • Identify the parties and the nonparty participants of right, if any, to the adjudication;
- 589 • If a comprehensive adjudication is required, appoint the hearing officer, determine the appropriate
590 composition of the hearing panel and appoint the members of such panel, under the provisions of
591 Section 28-32 above.
- 592
- 593 • Determine, either upon the Chair's own motion or motion of any party, whether two or more
594 petitions by one or more parties should be consolidated for hearing before a single hearing panel
595 because the petitions contain related or substantially similar grievances or the petitions arise out
596 of the same or similar factual circumstances.
- 597
- 598 • Make suggestions to the hearing panel regarding possible procedures to expedite the hearings,
599 including, but not limited to summary disposition based only on documentary evidence, including
600 affidavits and declarations.

601

602 Where students, ~~or staff, or non-faculty academic personnel~~ are to be members of the panel, the
 603 Chair shall notify the Secretary of the Faculty who shall ~~appropriate personnel and~~ coordinate the
 604 selection of those persons.

605
 606 Once the above specified determinations are made and the hearing panel, if required, is appointed,
 607 the Chair shall promptly notify the person who filed the notice and petition and all persons who are
 608 entitled to receive a copy of the notice and petition, as specified above, of such determinations, ~~and~~
 609 the identity of the hearing officer and hearing panel members, and the rights of the parties to
 610 challenge appointees for cause as provided in Section 28-37. ~~The Chair shall immediately give~~
 611 ~~copies of all documents filed in the matter to the hearing officer and each member of the hearing~~
 612 ~~panel.~~ The Chair shall also promptly deliver to any nonparty participants of right a statement of their
 613 rights of participation in the adjudication.
 614

615 **D. Reassignment of Faculty Member Pending Resolution of Allegations**

616
 617 At any time after ~~the petition has been filed~~ allegations have been made, if a dean, chancellor or
 618 Provost believes there are compelling circumstances, such as danger to the health or safety of
 619 members of the University community, that warrant ~~the suspension~~ reassignment of the faculty
 620 member from teaching or other duties pending resolution of the adjudication allegations, the dean,
 621 chancellor or Provost may, after consultation with the Chair of the Faculty Senate, ~~suspend~~
 622 reassign the faculty member for a period not to exceed the duration of the Section 25-71 process
 623 and any resulting adjudication and assign the ~~suspended~~ faculty member to other duties as the
 624 dean, chancellor or Provost deems appropriate. The faculty member's regular salary, benefits and
 625 other privileges shall continue during such ~~suspension~~ period of reassignment. A decision ~~to~~
 626 suspend a faculty member under this section shall comply with the requirements of RCW 34.05.479
 627 to the extent applicable, ~~including the requirements of maintaining an official record and preparing a~~
 628 ~~written order with findings of fact, conclusions of law and policy reasons.~~
 629

630 **Section 28-37 Disqualification of Adjudication Panel Chair, Hearing Officer and Panel Members**

631
 632 RATIONALE: This section now allows for a challenge to the adjudication panel chair and provides for a
 633 Vice chair to replace the chair should such a challenge be upheld.

634
 635 **A. Disqualification Initiated by Panel Chair, Hearing Panel Member, or Hearing Officer**

636
 637 The Adjudication Panel Chair, A a member of a hearing panel, or the hearing officer, shall disqualify
 638 himself or herself upon his or her own initiative immediately upon discovery of a cause for
 639 disqualification. Cause for disqualification shall include:

- 640
 641 1. Reason to believe that some personal consideration or relationship might interfere with the
 642 hearing officer's or panel member's ability to reach an unbiased decision;
- 643 2. The hearing officer or panel member, outside of the proceedings, has received communications
 644 or has obtained information which creates a significant risk of substantial unfairness; or
- 645 3. The matter directly involves a departmental colleague or, if the matter involves a faculty member
 646 from a non-departmentalized school or college, a college or school colleague of the panel
 647 member or the hearing officer.
 648

649 **B. Disqualification Initiated by Challenge**

650
 651 Any party or nonparty participant to the adjudication may challenge the Adjudication Panel Chair, any
 652 panel member, or the hearing officer, for cause for the reasons stated in Subsection A above. If the
 653 facts supporting the disqualification are then known to the party or nonparty participant, the challenge
 654 must be made in writing to the ~~Chair of the Adjudication Panel~~ Secretary of the Faculty within seven
 655 days after receipt of notice that the person being challenged is the Adjudication Panel Chair, assigned
 656 hearing officer or a panel member. A copy of the written challenge shall also be provided to the other
 657 persons entitled to receipt of Notice of Request for Hearing. If the facts supporting the disqualification
 658 are discovered after notice of the person's appointment, the challenge shall be made in the same
 659 manner described above within seven days of discovery of such facts, and the written challenge shall
 660 include a statement regarding the circumstances of discovery of such facts. The Secretary of the

661 Faculty shall appoint a disinterested hearing officer to review any such challenge to the Adjudication
 662 Panel Chair and decide whether there is sufficient cause to disqualify the challenged panel chair. If
 663 the panel chair is disqualified, the vice-chair of the Adjudication Panel shall assume the
 664 responsibilities of the chair for all decisions relating to the matter(s) in question. The Chair of the
 665 Adjudication Panel shall review any such challenge to the hearing officer or panel members and
 666 decide whether there is sufficient cause to disqualify the hearing officer or challenged panel member.
 667

668 **C. Disqualification of Panel Member by the Hearing Officer or Chair of the Adjudication Panel**
 669

670 A hearing officer serving with a panel and the Chair of the Adjudication Panel may disqualify any
 671 member of such panel for failure or inability to make himself or herself available for the necessary
 672 proceedings, for repeated absences from the panel meetings required under this chapter, or for
 673 failure to familiarize himself or herself with the record of the adjudication or the necessary procedures.
 674

675 **D. Appointment Following Disqualification**
 676

677 If a hearing officer is disqualified, the Chair of the Adjudication Panel shall appoint another hearing
 678 officer. If a panel member is disqualified, then at the discretion of the Chair of the Adjudication Panel,
 679 the Chair shall either appoint another member of the Adjudication Panel to the hearing panel, or, if the
 680 adjudication is in a later stage, continue the adjudication with the remaining panel members.
 681

682 **E. Distribution of Documents Following Finalization of Initial Appointments**
 683

684 Upon finalization of the initial appointments of the hearing officer and hearing panel members,
 685 including the consideration of any challenges filed within the initial time limit of seven days, the
 686 Secretary of the Faculty shall immediately distribute to each of them copies of all documents filed in
 687 the matter.
 688

689 **Section 28-41 Brief Adjudications**
 690

691 **A. Matters that Warrant a Brief Adjudication**
 692

693 Chair of the Adjudication Panel shall, pursuant to Section 28-36, Subsection C, determine that a brief
 694 adjudication be used for all cases whose sole issue is one of the following:

- 695 1. The allocation of discretionary or merit salary increases;
- 696 2. The allocation of space, support staff, or other resources or materials;
- 697 3. Teaching, committee or other assignments within the department, school or other unit;
- 698 4. A conflict between or among faculty members, other than claims of sexual, racial, or other legally
 699 impermissible discrimination or harassment or claims of scientific or scholarly misconduct; or
 700

701 RATIONALE: Given that Brief Adjudication Panels are rarely employed, practice has been to appoint a
 702 BAP when the need arises, rather than having a standing Panel. The following change codifies that
 703 practice.

- 704
- 705 5. Any other issue which ~~a the Chair and two members of the~~ Brief Adjudication Panel determines is
 706 appropriate for brief adjudication. ~~In making determinations of whether a brief adjudication is~~
 707 ~~appropriate for a particular case~~ The Chair shall employ a Brief Adjudication Panel pursuant to
 708 this section, if the Chair determines that:
 709

710 a. The case does not fall clearly within one of the categories specified in Subsections A.1
 711 through A.4 above but which may nevertheless be appropriate for a brief adjudication, or
 712

713 b. It is unclear for any other reason whether a brief adjudication would be the appropriate
 714 procedure.
 715

716 In a case involving Subsection A.5. The Chair shall convene a committee consisting of himself or
 717 herself and any two members of the Brief Adjudication Panel to constitute a .The Brief Adjudication
 718 Panel shall be a standing committee consisting of five members of the Adjudication Panel
 719 appointed from time to time by the Chair of the Adjudication Panel. The Chair and the two members
 720 of the Brief Adjudication Panel shall review the matter, confer, and make a decision whether a

721 brief adjudication is appropriate for the case at issue. The review shall include consultation with any
722 faculty member whose interests would be directly affected by the adjudication and review of records
723 of any previous Brief Adjudication Panel decisions for similar cases. The decision shall be made
724 with sufficient speed so that the Chair may make the necessary determinations and appoint a
725 hearing officer and a hearing panel, if necessary, within the time limits specified in Section 28-36,
726 Subsection C. The Chair shall prepare a written report summarizing the nature of any case
727 submitted to a Brief Adjudication Panel, the decision made as to the type of adjudication to be used
728 and the basis of such decision and shall include such report in the records of the Adjudication
729 Panel. If the Chair and the two members of the Brief Adjudication Panel decide that a
730 comprehensive adjudication is appropriate, none of the members of the Brief Adjudication Panel
731 making such decision will serve on the hearing panel for that case.

732
733 **B. Inappropriate Matters for a Brief Adjudication**
734

735 Notwithstanding the foregoing, a brief adjudication shall not be appropriate for a case in which any
736 one of the following factors is present:

- 737 1. Complex factual issues that require a formal fact finding process for resolution;
- 738 2. A significant sanction or other significant adverse impact on the faculty member, such as
739 discharge of employment or revocation of tenure, if the decision is adverse to the faculty member;
- 740 3. Significant impact on the affected faculty member's academic career;
- 741 4. A relatively large number of persons involved in the dispute or affected by its outcome;
- 742 5. A series of actions or non-actions that taken alone are not significant but together exhibit a
743 pattern of unfairness;
- 744 6. Allegations of unlawful discrimination; or
- 745 7. The protection of the public interest requires notice and an opportunity to participate to be given
746 to persons other than the parties, including persons who would qualify as nonparty participants
747 under the definition herein.

748
749 **C. Investigation**
750

751 Upon appointment, the hearing officer shall review the documents on file in the matter and conduct an
752 investigation of the matter. The initial investigation, at the discretion of the hearing officer, may
753 include any of the following:

- 754 • Meeting with the parties, together or separately;
- 755 • Communicating with the parties through mail or by telephone;
- 756 • Communicating with any other person that the hearing officer thinks can provide information
757 relevant to the dispute; and
- 758 • Requesting relevant documents from any person.

759
760 As part of the investigation, the hearing officer must contact each of the parties and give each of them
761 an opportunity to present written and/or oral evidence (determined at the discretion of the hearing
762 officer) supporting the party's position in the matter and a written or oral statement of the party's
763 position. The decision to restrict the parties' responses to written submissions and the decision of
764 whether an informal hearing where all parties are present and are allowed to present oral statements
765 and evidence are at the sole discretion of the hearing officer. If the hearing officer determines that an
766 informal hearing is appropriate, the hearing officer shall schedule such hearing at a time convenient
767 for all the parties, that is at least ten days and no more than 14 days following the date of
768 appointment of the hearing officer. At least five days prior to such a hearing, the hearing officer shall
769 notify the parties in writing as to the issues that may be addressed at the hearing, the evidence that
770 will be relevant at the hearing and the general procedures to be followed at the hearing. The hearing
771 shall be either recorded (sound only or video), or transcribed by a court reporter, as determined by
772 the hearing officer. The hearing officer shall make a contemporaneous written record of any oral
773 communication (in person or by telephone) relating to the investigation which is not heard by a party
774 and shall distribute such written record immediately to all parties and to the person with whom the
775 communication occurred. If the person with whom the communication occurred has a different
776 recollection of the conversation, that person shall immediately deliver to the hearing officer a written
777 statement detailing the differences. The hearing officer shall immediately deliver such a statement to
778 the parties and shall include such statement in the written record of the proceeding.
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D. Converting a Brief Adjudication to a Comprehensive Adjudication

If the hearing officer discovers in the course of investigation that the issues are sufficiently complex or there are other factors that indicate that a comprehensive adjudication is required for fair resolution of the matter, the hearing officer will immediately notify the Chair of the Adjudication Panel and the parties of such determination. Upon receipt of such notification, the Chair of the Adjudication Panel shall appoint a hearing panel under the procedures described in Section 28-33 and the matter will proceed as a comprehensive adjudication. At any time during the course of a brief adjudication a party may request that the adjudication be converted to a comprehensive adjudication by giving notice to the hearing officer and the other parties of such request together with a statement of the reasons why a comprehensive adjudication is required for a fair resolution of the matter. The hearing officer will rule on such a request within two days of receipt. If the hearing officer rules against such conversion, the brief adjudication will proceed and the party requesting the conversion may again request a comprehensive adjudication during the appeal process of the hearing officer's decision, as provided below in Section 28-61.

E. Written Decision

Within 30 days of appointment, the hearing officer will render a written decision to the parties, together with a brief statement as to the reasons for the decision and a statement of the parties' rights to appeal the decision.

~~**F. The record of a brief adjudication shall consist of only the following:**~~

- ~~1. The notice and petition filed by the party initiating the adjudication, all responses filed by other parties, and the Adjudication Summary prepared by the Chair of the Adjudication Panel;~~
- ~~2. Evidence received or considered;~~
- ~~3. All written statements submitted by persons and parties, all written records of oral communication prepared by the hearing officer and circulated to the parties and all amendments thereto that have been submitted;~~
- ~~4. The transcript or recording of any hearing held during the course of the adjudication; and~~
- ~~5. Any other document regarding the matter that was considered or prepared by the hearing officer or the Brief Adjudication Review Panel during review of the hearing officer's decision.~~

Section 28-51 Comprehensive Adjudications—Nonparty Participants

A. Administrative Party of Right

The hearing officer may grant a petition filed at any time for participation as an administrative party of right upon determining that the petitioner is a necessary party or by virtue of being immediately superior in administrative rank to the respondent. Such person's status as an administrative party of right shall commence only upon issuance of an order from the hearing officer allowing such person's participation.

B. Permissive Nonparty Participant

In addition to the persons who may be nonparty participants of right, the hearing officer may grant a petition filed by any person at any time for permissive nonparty participation, upon determining that the petitioner has a substantial interest that will be affected by the outcome of the adjudication, that participation by such party in the adjudication is necessary to protect that interest and participation by that party will not unduly delay or prejudice the determination of the rights of the parties to the adjudication. Such person's status as permissive nonparty participant shall commence only upon issuance of an order from the hearing officer allowing such person's participation. The hearing officer has the discretion to impose conditions on such person's right to participate and may limit his or her rights to participate, either at the time that the right to participate is granted or at any subsequent time. For a comment on nonparty participants' right to be represented by counsel, see Section 28-52, Subsection G below.

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C. **Nonparty Participants Rights of Participation**

All nonparty participants, both of right and permissive, in addition to the right to challenge the hearing officer or a member of the hearing panel for cause as provided above, shall have the following rights of participation in the adjudication:

1. Right to receive copies of all documents filed in the adjudication, within the same time limits as such copies are required to be delivered to the parties in the adjudication.
2. Right to timely notice of date, place and time and to attend the prehearing conference, the hearing, and any interim proceedings.
3. Right to file written independent statements and responses to documents filed by the parties at any time prior to the hearing (including written statements and responses regarding a pending motion for summary disposition under Section 28-52, Subsection D), provided that any such statements or responses are delivered by the nonparty participant to each party to the adjudication within two days of delivery to the hearing panel.
In addition to the above listed rights, a nonparty participant may, at the discretion of the hearing officer and the panel, be granted the following rights of participation:
4. Right to have counsel accompany them to all proceedings.
5. Right to be represented by counsel during the proceedings, provided that if the parties choose not to be represented by counsel [see Section 28-52, Subsection G], then a nonparty participant may not be represented by counsel.
6. Right to cross-examine witnesses, introduce evidence and call additional witnesses during the hearing, either on his or her own behalf or through counsel, subject to the limitation in Section 28-51, Subsection ~~B~~ C.5.
7. Right to give opening and closing statements, either on his or her own behalf or through counsel.
8. If unable to be present at the hearing or any preliminary proceeding, the right to be represented at the hearing and all preliminary proceedings by a special representative chosen by the nonparty participant and approved by the hearing officer.
9. Such other rights of participation in the adjudication as the hearing officer or hearing panel determines to be conducive to a fair and efficient hearing.

A nonparty participant shall have the rights specified in Subsections C.4 through C.9 above only to the extent the hearing officer or hearing panel has determined to be conducive to a fair and efficient hearing and which would aid in the panel's resolution of the matter.

The hearing officer shall make an initial determination prior to the prehearing conference as to the additional rights of participation, if any, that shall be given to the nonparty participant. The nonparty participant and any party may file a written request with the hearing officer prior to the prehearing conference regarding the extent of a nonparty participant's participation rights, and may make an oral request regarding participation rights at the prehearing conference. The determination of the extent of a nonparty participant's participation rights shall be made by the hearing officer, subject to revision by the hearing panel, and shall be included in the Prehearing Order. The Chair shall promptly deliver to any nonparty participants of right a statement of their rights of participation in the adjudication.

Section 28-52 Comprehensive Adjudications—Preliminary Proceedings**A. Summary Disposition Without Hearing**

At the request of any party or on the panel's own motion at any time after the response has been received, the hearing panel may determine that the adjudication or a particular claim or issue material to the adjudication should be resolved by summary disposition without a fact-finding hearing.

If the answering party alleges or the panel preliminarily concludes that the petition does not present a controversy under Section 28-32 that entitles the petitioner to a hearing when all factual allegations are viewed in the light most favorable to the petitioner, the panel shall give notice to the parties and any nonparty participants of:

1. The deadline for submission of written offers of proof by affidavit or otherwise, and for submission of argument, and
2. At the panel's option, a hearing concerning the proper interpretation and scope of Section 28-32.

The panel shall issue a decision to grant or deny summary disposition within five days after the submission of the written materials or the conclusion of any hearing. If summary disposition is granted the panel shall dismiss the petition and issue a decision pursuant to Section 28-54.

B. Initial Plan

As soon as possible after appointment, the hearing officer and hearing panel shall review the pleadings filed, identify the issues and discuss an initial plan for the conduct of the hearing. Such plan shall include the preliminary determination of the extent to which any nonparty participant will be allowed to participate. The hearing officer and hearing panel shall immediately consult with the parties and any nonparty participants as to a convenient time and place to hold the prehearing conference.

C. Notice of Prehearing Conference

Within ten days after appointment of the hearing panel, the hearing officer, at the direction of the hearing panel, shall prepare and deliver to the hearing panel, the parties and nonparty participants a Notice of Prehearing Conference, specifying the time and place of the prehearing conference. Such notice shall inform the parties as to the hearing officer's and panel's initial plan for the hearing and preliminary determinations, such as the extent of participation rights of nonparty participants and identification of issues, including all issues that the hearing officer and panel view as uncontested or irrelevant to resolution of the dispute. Such notice may further identify the evidence, including documents and witness testimony, that the hearing officer and panel consider necessary at the hearing. The prehearing conference shall be held no later than 20 days after appointment of the hearing panel.

D. Prehearing Conference

All parties and nonparty participants and their legal counsel (if otherwise allowed) shall be entitled to be present at the prehearing conference. The hearing officer and the entire hearing panel shall also be present. The hearing officer shall preside over the prehearing conference. At the prehearing conference, the hearing officer, the panel and the parties shall discuss and agree upon the evidence to be presented and the issues to be addressed at the hearing. The hearing officer, the panel and the parties shall also agree upon any issues that can be settled by the parties before the hearing, or are uncontested or irrelevant to the adjudication, provided that if the parties cannot reach agreement on these matters the decision of the panel shall control. The hearing officer, panel, and the parties shall also discuss the feasibility of informal dispute resolution procedures to attempt settlement of the dispute before the hearing. If the parties agree to informal dispute resolution procedures, then the adjudication process shall be suspended while such procedures are pursued. Any nonparty participants present at the prehearing conference shall be allowed to participate in the discussion and the decision making to the extent determined by the hearing officer and hearing panel.

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E. **Prehearing Order**

Unless the adjudication has been disposed of completely by summary disposition, the hearing officer, at the direction of the panel, shall issue a Prehearing Order within 15 days of the prehearing conference, which shall set forth the issues to be addressed at the hearing, the factual issues which are uncontroverted, the witnesses to be called and the other evidence to be presented, the extent to which any discretionary rights to participate will be given to nonparty participants, the extent to which depositions, requests for admission and any other form of discovery will be allowed and any other matters the hearing panel shall deem appropriate in setting the procedure to be followed at the hearing. Such notice shall also set the time and place of the hearing and shall contain the information required by RCW 34.05.434. The hearing shall be set no less than ten days and no more than 30 days after the notice of the prehearing conference was issued.

F. **Open or Closed Adjudication Proceedings**

The Prehearing Order shall specify whether the adjudication shall be open or closed. A determination at a later date that the hearing should be closed shall be made by written protective order.

G. **Representation by Counsel**

Any faculty member who is a party to a proceeding under this chapter shall have the right to be represented by counsel at all stages in the proceedings. Normally, if the faculty member chooses not to be represented by counsel at proceedings before the hearing panel and/or the hearing officer, the administration will not be so represented, except in cases where the faculty member is an attorney. Where the faculty member chooses to be represented by counsel, the administration shall not be obligated to reimburse the faculty member for the attorneys' fees and costs he or she incurs, except as provided under Section 28-54, Subsection B.

H. **Amending the Prehearing Order**

If after the Prehearing Order is issued, a party shall receive additional information, the party may request that the panel amend the Prehearing Order to allow the presentation of such additional information at the hearing and may request leave to amend its pleadings on file. Such request shall be served on all parties and nonparty participants. The hearing panel has full discretion to allow or deny such request and may grant a continuance if a non-requesting party needs additional time in which to prepare for and respond to the additional information.

I. **Hearing Officer's Instructions**

The hearing officer may instruct any person who is a party to the adjudication or an administrative officer or administrative employee of the University to appear and to give testimony under oath or affirmation, or to produce a specific document or other thing belonging to a party or to the University relevant to the issues in the adjudication.

1. If the person to whom the instruction is directed is a non-administrative party to the adjudication and that person refuses or fails to appear at the time and place designated to give testimony or to produce the documents or things specified:
 - a. If the hearing officer finds that the testimony, documents, or things sought are under the control of the non-administrative party to produce and are not privileged for purposes of the adjudication, then the hearing panel may impose such sanctions as are appropriate.
 - b. Sanctions may include dismissal of the adjudication or the drawing of inferences, to be stated in the record, with respect to the issues to which the evidence sought would have been relevant, adverse to the position of the faculty member or other party to the adjudication.
2. If the person to whom the instruction is directed is an administrative officer or administrative employee of the University and refuses or fails to appear at the time and place designated to give testimony, or to produce the documents or things specified:

- 1013 a. The hearing officer shall inform the President in writing of such refusal or failure and of the
1014 probable relevance of the testimony or documents or things sought.
1015 b. Unless the President determines that the information sought is legally privileged from
1016 disclosure, or subject to overriding University policies as to confidentiality, the President shall
1017 take such steps as may be necessary to enforce compliance with the instruction.
1018 c. If the President refuses or fails to secure such compliance, and if the hearing panel
1019 determines that the testimony, documents, or things sought are not legally privileged or
1020 confidential for purposes of the adjudication, then it may impose such sanctions as it deems
1021 appropriate. These sanctions may include dismissal of the adjudication or the drawing of
1022 inferences, to be stated in the record, with respect to the issues to which the evidence sought
1023 would have been relevant, adverse to the position of the University or administrative officer in
1024 the adjudication.
1025
1026 3. Statutory powers of subpoena are available to the hearing panel as specified in RCW
1027 34.05.588(1).
1028

1029 **J. Telephone, Television, or Other Electronic Participation**

1030
1031 In the discretion of the hearing officer, and where the rights of the parties will not be prejudiced, all or
1032 part of any meeting or conference required hereunder may be conducted by telephone, television or
1033 other electronic means. Each participant in the conference or meeting must have an opportunity to
1034 participate effectively in, to hear, and if technically and economically feasible, to see the entire
1035 proceeding while it is taking place.
1036

1037 **K. Discovery or Protective Orders by Hearing Officer**

1038
1039 The hearing officer may at any time issue any discovery or protective orders that he or she deems
1040 appropriate, and such orders shall be enforceable under the provisions of Chapter 34.05 RCW
1041 regarding civil enforcement of agency actions.
1042

1043 **Section 28-53 Comprehensive Adjudication—Procedure at Hearing**

1044
1045 **A. Parties Entitled to be Present**

- 1046
1047 In both open and closed proceedings before a hearing officer and hearing panel the following persons
1048 are entitled to be present:
1049
1050 1. The parties and nonparty participants of right and their advisors and representatives, to the extent
1051 advisors and representatives are allowed under other terms of this chapter. Advisors may be
1052 present but may not speak on behalf of the parties in the proceedings unless agreed to by both
1053 parties.
1054 2. The hearing officer, the hearing panel members and a secretary or recorder.
1055 3. Persons serving in an advisory capacity to the panel, unless their presence is objected to for
1056 cause by either party and the panel sustains the objection.
1057 4. Witnesses and their advisors, except that the hearing officer may upon a showing of good cause,
1058 as specified in the record of the proceeding, exclude witnesses and their advisors from the
1059 hearing room except while testifying.
1060 5. Such other persons as specifically authorized by the hearing officer or the panel, unless their
1061 presence is objected to by either party and the objection is sustained.
1062

1063 **B. Recording of Hearing**

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1065 The hearing shall either be recorded, audio only or video, or transcribed by a court reporter, as
1066 determined by the hearing panel. Such recording or transcription shall be made at University
1067 expense. Copies of the recording or transcript shall be made available to any party or nonparty
1068 participant of right at University expense upon request.
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C. **Evidence**

If the facts in the case or relief requested are in dispute, testimony of witnesses and other evidence relevant to the issues and to the relief requested shall be received if offered. The hearing officer may admit and consider evidence on which reasonably prudent people are accustomed to rely in the conduct of their affairs. The hearing officer shall give effect to the rules of privilege recognized by law, shall exclude evidence that is excludable on constitutional or statutory grounds and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence, and evidence whose probative value is substantially outweighed by the danger of undue prejudice to any party or nonparty participant. The hearing officer and the hearing panel shall refer to the Washington Rules of Evidence as non-binding guidelines for evidentiary rulings. All testimony of parties and witnesses shall be given under oath or on affirmation. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference. Official notice may be taken of any judicially recognizable facts and codes or standards that have been adopted by an agency of the United States, this state or another state or by a nationally recognized organization or association. Parties and nonparty participants shall be notified either before or during the hearing of the material so noticed and the sources thereof and shall be afforded an opportunity to contest the facts and materials so noticed (except to the extent a nonparty participant's right to do so is limited by the hearing officer or hearing panel).

D. **Hearing Officer's Role to Regulate the Hearing**

The hearing officer shall regulate the course of the hearing in conformity with the Prehearing Order and shall not be required to follow formal court procedure. To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer shall afford to all parties and nonparty participants the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence, except as restricted by a limited grant of nonparty participation or by the Prehearing Order.

E. **Panel Members Actions at Hearing**

The panel in its discretion may:

1. Direct the parties to produce information on specific issues deemed significant by the panel.
2. Proceed on its own initiative to call witnesses to testify or admit evidence on its own motion.

F. **Witnesses**

The parties shall have the opportunity to confront all witnesses. In the event that witnesses are unavailable or at the consent of the parties, depositions from witnesses or answers to written interrogatories may be presented or telephone depositions may be made in lieu of personal appearance at the hearing. The panel, in its discretion, may make such information part of the record. The hearing panel may take whatever other steps it deems reasonable and fair to all persons involved to deal with the unavailability of a witness.

G. **Adjournment**

The panel, in its discretion, may adjourn the proceedings from time to time to allow the further development of the evidence.

Section 28-54 Comprehensive Adjudication—Decision

A. **Decision by Vote**

Within 30 days after the conclusion of the hearing, or after the due date of all post-hearing briefs requested, if later, the panel shall make known its decision in writing. The decision shall be made by majority vote of all panel members, excluding the hearing officer, provided that in any adjudication initiated under Section 28-32, Subsection A, to remove or dismiss a faculty member pursuant to Chapter 25, Section 25-51 or 25-63 of the *Faculty Code*, the decision shall be made by a vote of five

1130 members of a seven-person panel or four members of a five-person panel or two members of a three-
1131 person panel. If at the conclusion of the hearing, there is an even number of panel members
1132 remaining due to loss of one or more panel members and the remaining panel members are evenly
1133 divided as to the decision on any issue or award of relief, the hearing officer shall cast a vote, but only
1134 to the extent necessary to break the deadlock.

1135
1136 **B. Findings**
1137

1138 In the written decision, the panel shall set forth its findings with respect to each of the material
1139 grounds or issues raised and to the relief requested by the parties and state its conclusions regarding
1140 those issues. It shall also state specifically any action necessitated by the decision and identify the
1141 specific relief to be provided, including but not limited to suspension or dismissal, reprimand or
1142 warning, restoration or award of privileges, benefits or status, a cease and desist order, an order that
1143 a certain party receive counseling or other medical treatment, and including direction to the Provost or
1144 other appropriate party to take such steps as may be necessary to carry out the decision. The panel
1145 shall have the authority to recommend the award of compensation for economic relief to a party or
1146 nonparty participant of right where such party or nonparty participant of right has made a timely
1147 request in his or her pleadings for such relief and has proven the right to the relief during the course
1148 of the proceedings. In addition, the panel has authority to recommend an award of reasonable
1149 attorneys' fees to a prevailing faculty member if:

- 1150
1151 1. The administration was the unsuccessful party in the case and the panel determines that the
1152 position of the administration in the case was grossly unreasonable or maintained in bad faith, or
1153 2. The prevailing faculty member was obliged to hire legal counsel to represent him or her in a
1154 comprehensive adjudication by virtue of the administration's failure to waive representation by
1155 legal counsel as provided in Section 28-52, Subsection G.
1156

1157 RATIONALE: This section modifies the parties notified when a panel decision is reached to be consistent
1158 with other sections.

1159
1160 **C. Copies of Written Decision**
1161

1162 Within 24 hours of the panel's written decision being put in final form, the panel shall deliver copies of
1163 the decision to the President, Provost, all parties, and all nonparty participants. Copies shall also be
1164 filed with the Chair of the Adjudication Panel, ~~the Chair of the Faculty Senate~~, and the Secretary of
1165 the Faculty, ~~and the University Ombud for the information of the Conciliation Board.~~

1166 **Section 28-61 Review Procedures**
1167
1168

1169 RATIONALE: Changes to this section clarify that any and all disputed actions by persons involved in
1170 conducting the adjudication may be appealed to the President and the timeline for doing so. Parties
1171 notified are amended to be consistent with other sections.

1172
1173 **A. Appeals**
1174

1175 The Chair of the Adjudication Panel shall have discretion to allow an appeal to the President of a
1176 decision dismissing one or more claims which do not dispose of the adjudication in its entirety. The
1177 Chair shall also have discretion to allow an appeal to the President of a decision on a motion to
1178 disqualify the appointment of a panel member and/or hearing officer. In the event that a motion to
1179 disqualify the Chair of the Adjudication Panel has been denied, a party shall have the right to have
1180 this decision reviewed immediately by the President. In the event that the President is a party to the
1181 adjudication, the foregoing appeals shall be heard by the Board of Regents.
1182

1183 **AB. Review Panel**
1184

1185 A decision of a hearing officer in a brief adjudication shall be submitted to the Brief Adjudication
1186 Review Panel ("Review Panel"), which shall be a standing committee consisting of members of the
1187 Adjudication Panel, appointed by the Chair. If the Review Panel takes no action and no party to the
1188 adjudication has filed a petition for review of the hearing officer's decision within 21 days of issuance

1189 of the decision, then the decision shall become the final decision of the University. If a party files a
1190 petition for review or the Review Panel elects to review the decision, all parties shall receive notice of
1191 such review. The Review Panel shall exercise all the decision making power that it would have had to
1192 decide and enter the decision had the Review Panel presided over the hearing, except to the extent
1193 that the issues subject to review are limited by a provision of law or by the Review Panel upon notice
1194 to all the parties. In reviewing findings of fact by the hearing officer, the Review Panel shall give due
1195 regard to the hearing officer's opportunity to observe the witnesses. The Review Panel shall afford
1196 each party an opportunity to present written argument and may afford each party an opportunity to
1197 present oral argument. The Review Panel shall complete its review within 20 days of the decision to
1198 review and shall enter a final order or remand the matter for further proceedings, with instructions to
1199 the hearing officer who entered the initial decision. The order shall include a description of any judicial
1200 or other review that may be available. Upon remanding a matter, the Review Panel shall order such
1201 temporary relief as is authorized and appropriate.

1202
1203 If no party to the adjudication has filed a petition for review of the Review Panel's final order within
1204 21 days of the mailing of the order to the parties, the order shall become the final decision of the
1205 University. Only a final order of the Review Panel that reverses or amends the decision of the
1206 hearing officer may be appealed. Any such appeal shall proceed under the procedures of
1207 Subsection B of this section below.

1208
1209 **BC. Presidential Review**

1210
1211 Subject to the provisions of Section 28-61 A., any dismissal for untimeliness or failure to state a
1212 proper basis for an adjudication or order of a hearing panel in a comprehensive adjudication, other
1213 than cases where the President is a party in the case, shall become a final decision of the
1214 University unless either party files an appeal to the President within 21 days of the date of mailing
1215 of the decision to the parties, or unless the President elects to review the decision by giving written
1216 notice of intent to review to the parties within 21 days of the date of delivery of the decision to the
1217 President. The presidential review shall include consideration of the written record. The President
1218 may request the parties to submit additional written arguments on particular issues and may
1219 request oral argument from the parties. To the extent that parties are asked to provide written
1220 documents, nonparty participants of right shall also have the opportunity to provide written
1221 documents and, at the discretion of the President, nonparty participants of right may be allowed to
1222 give oral arguments. No new evidence shall be considered by the President.

1223
1224 Within 60 days of commencement of the review, unless in the President's discretion more time is
1225 necessary to consider additional arguments, the President shall make one of the following
1226 determinations:

- 1227
1228 1. Affirm the panel's decision; or
1229 2. Remand for further proceedings.

1230
1231 Any decision of the President to remand must be based on findings of the President that the
1232 decision of the panel was arbitrary or capricious; the procedures followed by the Adjudication Panel
1233 Chair or the hearing panel or any other person involved with the adjudication procedures in
1234 reaching ~~its~~ their decisions, were materially and prejudicially unfair or not in accordance with the
1235 law or University rules or regulations; and/or the review in which he or she has engaged has
1236 revealed the importance of evidence which the panel did not adequately consider.

1237
1238 The panel then has 30 days to reconsider its decision and the reasons given by the President for
1239 remand, and to report back to the President its decision on remand. The President shall then affirm,
1240 reverse or amend the panel's decision on remand. Any decision of the President to reverse or
1241 amend must be based on findings that the panel's decision was:

- 1242
1243 1. Not supported by a preponderance of the evidence in the record, or
1244 2. Was arbitrary or capricious, or
1245 3. The procedures followed were materially and prejudicially unfair or in violation of law or
1246 University rules.
1247

1248 A decision by the President to affirm, reverse or amend the decision of the panel is a final decision
1249 of the University.

1250

1251 **CD. Board of Regent's Review**

1252

1253 Any order of a hearing panel in a case where the President is a party in the case shall become a final
1254 decision of the University unless either party files an appeal to the Board of Regents within 21 days of
1255 the date of mailing of the decision to the parties or unless the Board of Regents elects to review the
1256 decision by giving written notice of intent to review to the parties within 21 days of the date of delivery
1257 of the decision to the Board of Regents. The Board of Regents review shall include consideration of
1258 the written record. The Board of Regents may request the parties to submit additional written
1259 arguments on particular issues and may request oral argument from the parties. To the extent that
1260 parties are asked to provide written documents, nonparty participants of right shall also have the
1261 opportunity to provide written documents and, at the discretion of the President, non-party
1262 participants of right may be allowed to present oral arguments. No new evidence shall be considered
1263 by the Board of Regents.

1264

1265 Within 60 days of commencement of the review, unless in the Board's discretion more time is
1266 necessary to consider additional arguments, the Board shall make one of the following
1267 determinations:

1268

- 1269 1. Affirm the panel's decision;
- 1270 2. Reverse or amend the panel's decision; or
- 1271 3. Remand for further proceedings.

1272

1273 Any decision of the Board of Regents to reverse, amend, or remand must be based on findings of the
1274 Board that the decision of the panel was arbitrary or capricious; the procedures followed by the panel
1275 in reaching its decision were materially and prejudicially unfair or not in accordance with the law of
1276 University rules or regulations; and/or the review in which he or she has engaged has revealed the
1277 importance of evidence which the panel did not adequately consider. Any decision to reverse or
1278 amend without remand for further proceedings must include a finding that, and explanation as to why,
1279 further proceedings are not advisable. A decision by the Board to affirm, reverse or amend the
1280 decision of the panel, is a final decision of the University.

1281

1282 **DE. Remanding a Decision**

1283

1284 If upon review a decision is remanded to the panel for further proceedings, the panel shall have 30
1285 days within which to hold such further proceedings as are necessary to comply with the directions
1286 from the President (or the Board of Regents) and to respond to the President's (or Board of Regents')
1287 action with the results of its reconsideration of the case. Upon receipt of the panel's reconsidered
1288 decision, the President or Board of Regents shall have 30 days to make a final determination of the
1289 case. In the event that the President or Board of Regents decides to reverse or amend the
1290 reconsidered decision of the panel, the final decision shall state the basis of such decision, including
1291 specific findings as to why the decision of the panel was arbitrary or capricious, or why the
1292 procedures followed by the panel in reaching its decision were materially and prejudicially unfair or
1293 not in accordance with the law or University rules or regulations.

1294

1295 **EF. Copies**

1296

1297 Copies of all decisions, opinions, conclusions, instructions, and other written communications issued
1298 in the review process shall be sent to the Provost, all parties, nonparty participants, the Secretary of
1299 the Faculty, and the Chair of the Adjudication Panel, ~~the Chair of the Faculty Senate, and the~~
1300 ~~University Ombud for the information of the Conciliation Board~~, as soon as the decision becomes
1301 final.

1302

1303 **FG. Petition for Reconsideration or Clarification**

1304

1305 Any party may file a petition for reconsideration or clarification within ten days after the mailing of the
1306 following: a final decision of the President under Subsection B of this section, or a final decision of the
1307 Board under Subsection C of this section. Such petition shall be filed with the person or persons

1308 issuing the order or decision and the Secretary of the Faculty and shall be served on all parties. The
1309 filing of such petition suspends the time limitations for filing for further administrative review or for
1310 judicial review, if available. Such petition shall set forth the grounds upon which relief is requested.
1311 The petition shall be disposed of by the same person or persons issuing the order or decision, if
1312 reasonably available. The disposition shall be in the form of a written order denying the petition,
1313 granting the petition and dissolving or modifying the order or decision, or granting the petition and
1314 setting the matter for further hearing. The petition is deemed denied if within 20 days from the date
1315 the petition is filed the person or persons issuing the order or decision have not disposed of the
1316 petition or served the parties with notice specifying a date of disposition of the petition, and the
1317 Secretary of the Faculty has confirmed that the person or persons issuing the order or decision do not
1318 intend to act on the petition.

1319

1320 **Section 28-71 Time Deadlines**

1321

1322 Unless otherwise specified in this chapter, requests for extensions of timelines shall be made to and
1323 decided by the Secretary of the Faculty. If a hearing officer, a hearing panel, the Chair of the Adjudication
1324 Panel, the Secretary of the Faculty or any reviewing body shall fail to meet any of the deadlines set in this
1325 chapter, such failure shall not affect the validity of the procedure, or any decision resulting from an
1326 adjudication held pursuant to this chapter, unless the delay was unreasonable and unduly prejudicial to
1327 the interests of any party or nonparty participant of right.

1328

1329 **Section 28-81 Availability of the Record**

1330

1331 At the conclusion of the proceedings, the record of the hearing shall be maintained by the Secretary of
1332 the Faculty in accordance with the UW's Records Retention Schedule and shall be available for review to
1333 persons or organizations not party to the proceedings but having an interest therein, not inconsistent with
1334 the tenets of academic freedom and privacy rights of the parties or persons involved, subject to the
1335 written approval of both the President and the faculty member or members involved in the proceeding.
1336 Copies of any portion of the record previously transcribed shall be made available at actual duplication
1337 cost in accordance with these same provisions.

1338

1339 RATIONALE: The following section reflects established legal precedent regarding confidentiality of
1340 deliberative processes in quasi-judicial proceedings. Faculty members involved in these proceedings,
1341 especially as members of the Adjudication Panel, are often unsure of how protected they are should a
1342 matter go into litigation outside the university. This section reiterates that protection to the extent
1343 permitted by law. Some limits are described in Lutheran Day Care v. Snohomish County., 119 Wash. 2d
1344 91, 99-117, 829 P.2d 746, 750-58 (1992).

1345

1346 **Section 28-82 Confidentiality and Immunity**

1347

1348 **A. Confidentiality**

1349

1350 The deliberations of a hearing panel shall be confidential, as shall deliberations of members of a
1351 special committee appointed under Section 28-35. Subsection D., those of members of a Brief
1352 Adjudication Panel, and those of members of a Brief Adjudication Review Panel.

1353

1354 **B. Immunity**

1355

1356 Neither the Chair or Vice Chair of the Adjudication Panel, hearing officers, members of a hearing
1357 panel, and members of other panels described in the prior section, nor the Secretary of the Faculty,
1358 shall be subject to a petition alleging wrongdoing under this chapter based on his or her actions or
1359 inactions carried out pursuant to the duties prescribed by this chapter.

1360

1361 **Section 28-91 Implementation**

1362

1363 Upon completion of the adjudicative proceedings, the President shall instruct the parties to do whatever is
1364 necessary to implement the decision and shall take all action necessary to insure that relief awarded is
1365 realized in fact. Copies of these communications shall be sent to all parties, nonparty participants, the
1366 hearing officer and hearing panel, and the Secretary of the Faculty.

1367

1368 **Section 28-101 Report of the Adjudication Panel**

1369

1370 The Chair of the Adjudication Panel shall annually report to the faculty in a ~~Class C Bulletin~~ in September
1371 the number of brief and comprehensive adjudicative proceedings commenced or concluded during the
1372 prior academic year and the action that ensued. Names of the grievant or accused shall not be published.

1373

1374 RATIONALE: The following section has been revised and placed in the adjudication procedures manual.
1375 The original text was the result of non-binding Class C legislation.

1376

1377 ~~Footnote: Policy Regarding Procedures in the Selection and Appointment of Student and Staff Members~~
1378 ~~on the Adjudication Panel~~

1379

1380 A. ~~The following rules for the selection of student members of the Adjudication Panel are based on~~
1381 ~~drafts submitted by the ASUW and GPSS:~~

1382

1383 1. ~~Six undergraduate students shall be selected by ASUW and six graduate or professional students~~
1384 ~~shall be selected by GPSS to serve on the Adjudication Panel according to the ordinary~~
1385 ~~appointment processes of those organizations.~~

1386 2. ~~Student members shall be matriculated, full-time students in good academic standing who intend~~
1387 ~~to be in residence at the Seattle campus for two years.~~

1388 3. ~~Members of the ASUW Board of Control, ASUW Commission Directors, and officers of the GPSS~~
1389 ~~are ineligible for appointment to the panel.~~

1390 4. ~~Members shall be appointed, or reappointed, for a term of one calendar year, to be effective the~~
1391 ~~start of the following Autumn Quarter.~~

1392 5. ~~Every effort shall be made to appoint a diverse group of students to the panel, to maintain a~~
1393 ~~balance with regard to gender, living group, academic area, race and ethnicity.~~

1394 6. ~~ASUW and GPSS shall submit the names of the persons selected to the Chair of the Faculty~~
1395 ~~Senate as early as possible during Spring Quarter for consideration at the next meeting of the~~
1396 ~~Senate Executive Committee and approval at the following meeting of the Faculty Senate.~~

1397

1398 B. ~~The following rules for the selection of staff members of the Adjudication Panel are based on a draft~~
1399 ~~submitted by the Director of Personnel Services:~~

1400

1401 1. ~~Six members of the staff shall be selected by the Director of Personnel Services and the~~
1402 ~~Professional Staff Advisory Council from persons nominated by each of the collective bargaining~~
1403 ~~units and the Professional Staff Organization.~~

1404 2. ~~Staff members shall be full-time employees with at least three years' experience on staff at the~~
1405 ~~University of Washington.~~

1406 3. ~~Officers and board members of organizations representing University employees are ineligible for~~
1407 ~~appointment.~~

1408 4. ~~Staff members shall be appointed, or reappointed, for a term of three calendar years, beginning~~
1409 ~~on September 16, except that of the initial six appointees, two shall be appointed for a period of~~
1410 ~~one year; two shall be appointed for two years; and two shall be appointed for three years.~~

1411 5. ~~Every effort shall be made to appoint a diverse group of staff members to the panel, seeking to~~
1412 ~~maintain a balance with regard to gender, age, employment category, race, and ethnicity.~~

1413 6. ~~The Director of Personnel Services shall submit the names of the persons selected to the Chair of~~
1414 ~~the Faculty Senate as early as possible during Spring Quarter for consideration at the next~~
1415 ~~meeting of the Senate Executive Committee and approval at the following meeting of the Faculty~~
1416 ~~Senate.~~

1417

1418 7.

Approved by:
Senate Executive Committee
October 5, 2015

Approved by:
Faculty Senate
October 22, 2015

Approved by:
Senate Executive Committee
November 16, 2015

Approved by:
Faculty Senate
December 3, 2015

Class A Legislation.**Proposed Amendments to the Faculty Code regarding the faculty salary policy.**

Rationale for proposed Class A legislation: Chapter's 24 and 25, "Appointment and Promotion of Faculty Members" and "Tenure of the Faculty" (which are combined into a single Chapter 24, "Appointment Provisions of the Faculty", by this proposed change)

The current salary policy has the following stated goal: "The fundamental purpose of the University of Washington Faculty Salary Policy is to allow the University to recruit and retain the best faculty." This work grew out of a general feeling that the current policy was not living up to the second part of this goal – retention. In particular, the phenomenon of salary compression was thought to be widespread – new hires were coming in at salaries that were close to or in some cases above their senior colleagues. As our peer institutions were giving better raises on average, UW left itself more open to poaching than it might otherwise have.

The current faculty code provides for regular and additional merit raises that usually total 3%-4% for most years. The proposed changes add *tiers* for members of the faculty who are appointed as tenure track, WOT track, or research professorial track, or as full-time lecturers, full-time senior lecturers, principal lecturers, artists in residence, or senior artists in residence (24-35). A member of the faculty performing normally is expected to advance a tier every four years on average (24-35 H). A tier raise is proposed to be 8% (though it is capped at 8% of the average faculty salary).

Further, each year, meritorious faculty will receive a market adjustment, which is in the amount of the percentage increase in the CPI-U (US Consumer price index for all urban consumers). Draft EO 65 sets the Tier and market adjustment sizes. The proposed faculty code changes and the draft EO allow for modifications on a by-unit or by-school basis of these numbers within limits (EO 65, 24-72 B).

There is also a provision for Variable Adjustments, which will be made available when possible, and have a lot of flexibility as to how they are applied (24-72 I). They are designed to address inappropriate salary differences between peers at the university to individual level. To keep track with peer institutions, this means about 1% per year on average (in addition to the CPI-U above).

Promotions (and their timing) are not affected by this policy. Promotion raises are 12% in the current draft EO.

Retention offers are not affected directly by the proposed changes, though it is hoped the need for them will be reduced by this policy (24-72 K). Further it is hoped that the codifying of tier advancements and raises will increase the likelihood that salaries recaptured by retirement are redirected back into faculty salaries. If a retention offer occurs, it is expected that a tier advancement will also occur commensurate with the size of the retention offer.

The decision for tier advancement is made after a collegial performance review (24-62). This is meant to be a careful review by peers, and does not require outside letters as does a full promotion review. It is possible to delegate a performance review to a committee of faculty in the unit (24-62 C). Each faculty member will have a planning conference with the chair on a schedule determined by rank (at least every four years for full professors and principal lecturers, every two years for associate professors, senior lecturers, and senior artists in residence, and every year for others). After the planning conference, a collegial review may be initiated by either the faculty member or the chair, and in any case no later than five years after the previous review. An individual faculty member may request an early planning conference and/or an early collegial review at any time.

Tiers 7, 8, and 9 of the Professor rank are special, reserved for exceptional members of the faculty (24-35 I). Tier advancement to tier 7 of professor requires a careful review, including external letters. Finally, there are three time periods: pre-transition, transition (1 year), and post-transition. During the pre-transition period, which would start with the approval of this legislation, the faculty salary policy operates under the same rules as the faculty does currently. During the transition period all faculty will have their

collegial review schedules set and those who are meritorious will receive a transition raise whose size depends on the time of their post transition review (24-77 C).

Every attempt was made to keep the code policy neutral, except where the new policy forced changes. In many cases the old code language was copied to new locations. The proposal uses the standard formatting to indicate this: underlined text is new, ~~strikeout~~ is deleted, and double underline is existing language (that has been moved). As chapters 24 and 25 have been combined, there is a lot of moved code.

Here is a brief summary of new and deleted or significantly altered sections:

1. 24-25 – Note that the Conflict of Interest is being considered in separate Class A legislation. Whatever the outcome of that process will be reflected here.
2. 24-35 – New section defining what ranks have associated tiers and how faculty progress across tiers and promotions.
3. 24-55 – Make it clear how collegial reviews fit into the procedure for promotions; one possible outcome of the collegial review is a recommendation for promotion, which will trigger a promotion review.
4. 24-60/24-61 –24-60 is now a heading, and also contains the proposed removal of the old 24-55 “Procedure for Salary Increases based Upon Merit”. 24-61 details the process by which reviews occur, documentation, etc. - and contains a good deal of the code (reworded and clarified) from the old merit review section.
5. 24-62 Describes collegial performance reviews.
6. 24-63 Consequences of unsatisfactory performance was updated to reflect the new tier system and also clarified. It is also made explicit what section of the code to follow if no resolution can be attained by the procedure detailed here (25-71 D – as this is the current practice).
7. 24-71 Statement of principles of the faculty salary policy
8. 27-72 How salary increases are allocated (including provisions for per-unit customization). Includes details on each type of possible raise.
9. 24-73 Details how the transition to the new policy will proceed. This code and code sections after concerning the pre-transition or transitions periods will be removed automatically as they become irrelevant.
10. 24-74/75/76 Pre-transition code – which is a copy of the current code for merit raises and reviews.
11. 24-77 Details the transition period, how tiers will be assigned, transition raises, and assignment of each faculty member’s first collegial review.

University of Washington

Faculty Code and Governance

Faculty Code

Chapter 24

Appointment Provisions and Promotion of the Faculty

Section 24-10 21-01 Statutory Provisions Relating to Faculty and Regents Statements

See RCW 28B.20.200

Section 24-11 25-01 Statute Relating to Tenure

[For a statute relating to tenure, see RCW 28B.20.130 (1)(2).]

Section 24-12 25-11 Statement of Policy by the Board of Regents

[See *Board of Regents Governance*, Regent Policy No. 2.]

Section 24-20 General Principles and Policies

Section 24-21 24-31 General Faculty Appointment Policy

The principal functions of a university are to preserve, to increase, and to transmit knowledge. Its chief instrument for performing these functions is its faculty, and its success in doing so depends largely on the quality of its faculty. The policy of this University should be to enlist and retain distinguished faculty members with outstanding qualifications.

Section 24-22 24-32 Scholarly and Professional Qualifications of Faculty Members

The University faculty is committed to the full range of academic responsibilities: scholarship and research, teaching, and service. Individual faculty will, in the ordinary course of their development, determine the weight of these various commitments, and adjust them from time to time during their careers, in response to their individual, professional development and the changing needs of their profession, their programs, departments, schools and colleges, and the University. Such versatility and flexibility are hallmarks of respected institutions of higher education because they are conducive to establishing and maintaining the excellence of a university and to fulfilling the educational and social role of the institution. In accord with the University's expressed commitment to excellence and equity, contributions in scholarship and research, teaching, and service that address diversity and equal opportunity may be included among the professional and scholarly qualifications for appointment, and promotion, and tier advancement outlined below.

- A. Scholarship, the essence of effective teaching and research, is the obligation of all members of the faculty. The scholarship of faculty members may be judged by the character of their advanced degrees and by their contribution to knowledge in the form of publication and instruction; it is reflected not only in their reputation among other scholars and professionals but in the performance of their students.

- B. The creative function of a university requires faculty devoted to inquiry and research, whose attainment may be in the realm of scholarly investigation, in constructive contributions in professional fields, or in the creative arts, such as musical composition, creative writing, or original design in engineering or architecture. For each of these realms, contributions that address diversity and equal opportunity may be included. While numbers (publications, grant dollars, students) provide some measure of such accomplishment, more important is the quality of the faculty member's published or other creative work.

Important elements in evaluating the scholarly ability and attainments of faculty members include the range and variety of their intellectual interests; the receipt of grants, awards, and fellowships; the professional and/or public impact of their work; and their success in directing productive work by advanced students and in training graduate and professional students in scholarly methods. Other important elements of scholarly achievement include involvement in and contributions to interdisciplinary research and teaching; participation and leadership in professional associations and in the editing of professional journals; the judgment of professional colleagues; and membership on boards and committees. In all these, contributions that address diversity and equal opportunity may be included.

- C. The scope of faculty teaching is broader than conventional classroom instruction; it comprises a variety of teaching formats and media, including undergraduate and graduate instruction for matriculated students, and special training or educational outreach. The educational function of a university requires faculty who can teach effectively. Instruction must be judged according to its essential purposes and the conditions which they impose. Some elements in assessing effective teaching include:

- The ability to organize and conduct a course of study appropriate to the level of instruction and the nature of the subject matter;
- The consistency with which the teacher brings to the students the latest research findings and professional debates within the discipline;
- The ability to stimulate intellectual inquiry so that students develop the skills to examine and evaluate ideas and arguments;
- The extent to which the teacher encourages discussion and debate which enables the students to articulate the ideas they are exploring;
- The degree to which teaching strategies that encourage the educational advancement of students from all backgrounds and life experiences are utilized;
- The availability of the teacher to the student beyond the classroom environment; and
- The regularity with which the teacher examines or reexamines the organization and readings for a course of study and explores new approaches to effective educational methods.

A major activity related to teaching is the instructor's participation in academic advising and counseling, whether this takes the form of assisting students to select courses or discussing the students' long-range goals. The assessment of teaching effectiveness shall include student and faculty evaluation. Where possible, measures of student achievements in terms of their academic and professional careers, life skills, and citizenship should be considered.

- D. Contributions to a profession through published discussion of methods or through public demonstration of an achieved skill should be recognized as furthering the University's educational function. Included among these contributions are professional service activities that address the

professional advancement of individuals from underrepresented groups from the faculty member's field.

- E. The University encourages faculty participation in public service. Such professional and scholarly service to schools, business and industry, and local, state, national, and international organizations is an integral part of the University's mission. Of similar importance to the University is faculty participation in University committee work and other administrative tasks and clinical duties, including the faculty member's involvement in the recruitment, retention, and mentoring of scholars and students in an effort to promote diversity and equal opportunity. Both types of service make an important contribution and should be included in the individual faculty profile.
- F. Competence in professional service to the University and the public should be considered in judging a faculty member's qualifications, but except in unusual circumstances skill in instruction and research should be deemed of greater importance.

Section 24–23 24-33 A Statement of Principle: Academic Freedom and Responsibility

Academic freedom is the freedom to discuss all relevant matters in teaching, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to shared governance and the general welfare of the University.

Faculty members have the right to academic freedom and the right to examine and communicate ideas by any lawful means even should such activities generate hostility or pressure against the faculty member or the University. Their exercise of constitutionally protected freedom of association, assembly, and expression, including participation in political activities, does not constitute a violation of duties to the University, to their profession, or to students and may not result in disciplinary action or adverse merit evaluation.

A faculty member's academic responsibility requires the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

Membership in the academic community imposes on students, faculty members, administrators, and regents an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways that injure individuals and damage institutional facilities or disrupt the classes of one's instructors or colleagues. Speakers on campus must not only be protected from violence, but also be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that clearly and significantly impede the functions of the University.

Students and faculty are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the instructor-student relationship. Faculty members may not refuse to enroll or teach a student because of the student's beliefs or the possible uses to which the student may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional relationship to make particular personal choices as to political action or their own roles in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance. (Examples of such matters include but are not limited to personality, personal beliefs, race, sex, gender, religion, political activity, sexual orientation, or sexual, romantic, familial, or other personal relationships.)

It is the responsibility of the faculty members to present the subject matter of their courses as approved by the faculty in their collective responsibility for the curriculum. Within the approved curriculum, faculty members are free to express ideas and teach as they see fit, based on their mastery of their subjects and their own scholarship.

Footnote on Faculty/Student Relationships and Conflicts of Interest removed and put into separate legislation.

Section 24-24 23-46 H: Right to Information

Upon request, the chancellor of a campus, the dean of a college or school, or the chair of a department shall provide a member of his or her faculty with information concerning salaries, teaching schedules, salary and operations budget requests, appropriations, allotments, disbursements, and similar data pertaining to his or her campus, college, school, or department.

Section 24-25 24-50 Conflict of Interest Regarding Appointment, Employment, and Academic Decisions

New section 24-25 Conflict of Interest Regarding Appointment, Employment, and Academic Decisions, formerly 24-50, will be acted on in a separate piece of legislation, and after action reinserted here.

Section 24-26 25-71 Standard of Conduct

- A. The University is an institution having special public responsibility for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the University also has the obligation to maintain conditions which are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of its functions. For these purposes the University is governed by rules and regulations which safeguard its functions, and which, at the same time, protect the rights and freedoms of all members of the academic community. All members of the academic community, including members of the faculty, have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments.
- B. If a member of the faculty is alleged to have violated a rule or regulation of the University, its schools, colleges, or departments, the department chair or the dean in a non-departmentalized school or college shall fully inform the faculty member of the nature and specific content of the alleged violation and shall offer to discuss the alleged violation with the faculty member and with the party raising the issue. The faculty member and the party raising the issue may each be accompanied by one person. The matter may be concluded at this point by the mutual consent of all parties.
- C. If he or she so wishes, the department chair, the dean, or the faculty member may initiate conciliatory proceedings at any time by contacting the University Ombud as provided in Chapter 27, Section 27-41.
- D. If a mutually agreeable resolution is not achieved under Subsections B or C of this section, and if the dean (after consultation in the case of a departmentalized school or college with the department chair and the faculty member) determines that the alleged violation is of sufficient seriousness to justify consideration of the filing of a formal statement of charges that might lead to dismissal, reduction of salary, or suspension for more than one quarter, he or she shall follow one of the following procedures:

1. In cases concerning allegations of unlawful discrimination or sexual harassment, the dean shall request an investigation by the University Complaint Investigation and Resolution Office (UCIRO) as provided in Administrative Policy Statement 46.3.
 2. In cases concerning allegations of scientific and scholarly misconduct as defined in Section 25-51, the dean shall proceed as provided in Executive Order No. 61, "Policy for Addressing Allegations of Scientific and Scholarly Misconduct."
 3. In all other kinds of cases the dean shall appoint a special investigating committee of three faculty members who are not directly involved in the matter being considered. The committee shall assist the dean in the informal and confidential gathering of information and documentation and shall advise the dean in its interpretation. If as a result of the foregoing investigation the dean concludes that further action is not merited, then the matter shall be dropped (although a faculty member aggrieved as a result of these activities has recourse to the conciliatory proceedings of Chapter 27 and to the adjudicative proceedings described in Chapter 28, Section 28-32, Subsection A).
- E. If, after engaging in the procedures specified in Subsection D.2 or D.3 above, the dean concludes that further action is warranted, he or she shall deliver to the Provost a written record stating that reasonable cause exists to adjudicate charges of wrongdoing brought against the faculty member, with enough of the underlying facts to inform the Provost of the reasons for this conclusion. Upon filing of the written report with the Provost, the case shall be decided in the manner prescribed in Chapter 28.

Section 24-30 Appointment Types and Qualifications

Section 24–31 24-34 Qualifications for Appointment at Specific Ranks and Titles

- A. Qualifications for Appointment at Specific Ranks
1. Appointment with the rank of assistant professor requires completion of professional training, in many fields marked by the Ph.D., and a demonstration of teaching and research ability that evidences promise of a successful career.
 2. Appointment to the rank of associate professor requires a record of substantial success in both teaching and research, except that in unusual cases an outstanding record in one of these activities may be considered sufficient.
 3. Appointment to the rank of professor requires outstanding, mature scholarship as evidenced by accomplishments in teaching, and in research as evaluated in terms of national or international recognition.
- B. Qualifications for Appointments with Specific Titles
1. Lecturer and artist in residence are *instructional* titles that may be conferred on persons who have special instructional roles. Appointments may be renewed pursuant to Section 24–53.
 2. Senior lecturer and senior artist in residence are *instructional* titles that may be conferred on persons who have special instructional roles and who have extensive training, competence, and experience in their discipline. Appointments may be renewed pursuant to Section 24–53.

3. Principal lecturer is an *instructional* title that may be conferred on persons whose excellence in instruction is recognized through appropriate awards, distinctions, or major contributions to their field. Appointments may be renewed pursuant to Section 24–53.
4. Appointment to one of the ranks in Subsection A with a *research* title requires qualifications corresponding to those prescribed for that rank, with primary emphasis upon research. Tenure is not acquired through service in research appointments.

Research professor and research associate professor appointments are term appointments for a period not to exceed five years. The question of their renewal shall be considered by the voting faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held, except that the voting faculty at rank of professor shall consider whether to recommend renewal or non-renewal of the appointment of a research professor. Such consideration shall be conducted in accord with the provisions of Section 24–53.

Research assistant professor appointments are for a term not to exceed three years with renewals and extensions to a maximum of eight years (see Section 24–41, Subsection G.) The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24–41.

Research associate appointments are for a term not to exceed three years, with renewals to a maximum of six years. The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24–53.

Research faculty titles and the qualifications for them are described in Section 24–35.

5. Appointment with the title of *professor of practice* is made to a person who is a distinguished practitioner or distinguished academician, and who has had a major impact on a field important to the University's teaching, research, and/or service mission.

Professor of practice appointments are term appointments for a period not to exceed five years. The question of their renewal shall be considered by the voting faculty who are superior in academic rank and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-53. This title is available to address a unique appointment need and is intended to be sparingly used. Tenure is not acquired through service in this title.

6. Appointment with the title of instructor is made to a person who has completed professional training, in many fields marked by the Ph.D., and is fulfilling a temporary, clinical, or affiliate instructional need, or is in a temporary transition period between post-doctoral training and mentoring and entry into the professorial ranks. These appointments are limited to acting, affiliate, or clinical.
7. An affiliate appointment requires qualifications comparable to those required for appointment to the corresponding rank or title. It recognizes the professional contribution of an individual whose principal employment responsibilities lie outside the colleges or schools of the University. Affiliate appointments are annual; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.

8. An adjunct appointment is made only to a faculty member (including one in a research professorial rank) already holding a primary appointment in another department. This appointment recognizes the contributions of a member of the faculty to a secondary department. Adjunct appointments do not confer governance or voting privileges or eligibility for tenure in the secondary department. These appointments are annual; the question of their renewal shall be considered each year by the faculty of the secondary department.
9. A joint appointment recognizes a faculty member's long-term commitment to, and participation in, two or more departments. A joint appointment may be discontinued only with the concurrence of the faculty member and the appointing departments. One department shall be designated the primary department and the others secondary, and this designation can be changed only with the concurrence of the faculty member and the appointing departments. Personnel determinations (salaries, promotions, leave, etc.) originate with the primary department, but may be proposed by the secondary department(s), and all actions must have the concurrence of the secondary department(s). A faculty member who has the privilege of participation in governance and voting in the primary department may arrange with the secondary department(s) either to participate or not to participate in governance and voting in the secondary department(s). This agreement must be in writing and will be used for determining the quorum for faculty votes. The agreement can be revised with the concurrence of the faculty member and the department involved.
10. A clinical appointment in the appropriate rank or title is usually made to a person who holds a primary appointment with an outside agency or non-academic unit of the University, or who is in private practice. Clinical faculty make substantial contributions to University programs through their expertise, interest, and motivation to work with the faculty in preparing and assisting with the instruction of students in practicum settings. Clinical appointments are annual; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.
11. Appointment with the title of teaching associate is made to a non-student with credentials more limited than those required of an instructor. Teaching associate appointments are annual, or shorter; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.
12. The emeritus appointment is recommended by departmental action for a regular, WOT, research or clinical faculty member who has retired under the UW Retirement Plan or is receiving benefits as if he or she retired under another state of Washington retirement plan and whose scholarly, teaching, or service record has been meritorious. Such a recommendation requires approval by the college dean and the President of the University. The normal criteria for appointment with the emeritus title are at least ten years of prior service as a member of the faculty and achievement of the rank of professor or associate professor. Under certain circumstances the President may grant emeritus status to an administrator at the level of dean or vice president, or at other levels if deemed appropriate.
13. The acting title denotes a temporary appointment for properly qualified persons in the instructor title or at the professorial ranks. It commonly is used for persons who are on the faculty for a year or less or for persons who have not yet completed the requirements for a regular appointment. In the latter case, the acting title is dropped when the requirements are completed. The total service of a faculty member with an acting appointment may not exceed four years in any single rank or title, or six years in any combination of ranks or titles. A faculty member whose appointment as assistant professor has not been renewed may not be given an acting appointment.
14. Appointment to one of the ranks in Subsection A with a visiting title indicates that the appointee holds a professorial position at another institution of higher learning and is temporarily employed by the University. An employee who does not hold a professorial position elsewhere, but who is otherwise qualified, may be designated as a visiting lecturer.

15. The visiting scholar title is an honorary title awarded to persons who hold professorial (including research titles) positions at other institutions and who are visiting the University but who are not employed by the University during their stay. The purpose of this title is recognition of the visitor's presence at the University, and to make University facilities and privileges (library, etc.) available.

Section 24–32 24–35 Research Personnel Appointments

- A. Research titles designate appointments for faculty whose primary responsibility is research. The research titles are:
- Research professor
 - Research associate professor
 - Research assistant professor
 - Research associate
- B. Research professors, research associate professors, and research assistant professors are eligible for appointment to the graduate faculty, are expected to take active roles in generating research funding, and are eligible to act as principal investigators for grants and contracts. Research faculty may participate in the regular instructional program but are not required to do so, except insofar as required by their funding source.
- C. Research associate is considered a junior rank equivalent to instructor. This junior faculty appointment, which requires the same qualifications as those of an instructor, normally serves to advance the competence of a person who has recently completed higher professional training, in most fields marked by a doctoral degree. Appointees will work under the direction of principal investigators for the benefit of the research programs, the department's educational program, and their own professional growth. Research associates may not be principal investigators on research grants or contracts.

Section 24–33 24–40 Faculty Without Tenure By Reason of Funding (WOT)

- A. A professor or associate professor without tenure by reason of funding (WOT) is qualified for tenure by virtue of rank. Such a faculty member holds his or her appointment on a continuing basis. The term of appointment of an assistant professor WOT is governed by Section 24–41, Subsections A and D.
- B. Faculty appointed WOT do not hold tenure because all or part of his or her annual University–administered salary is derived from sources other than regularly appropriated state funds. Except for this distinction, WOT faculty members have the same rights, responsibilities, and obligations as tenure–track and tenured faculty members at those ranks. The description of their duties and qualifications for promotion and salary increases for reasons of merit are the same. Except for termination of funding as defined in Section 24–41, Subsection J, or for reasons of program elimination (see Chapter 25, Section 25–52), such faculty members are not subject to removal, or discriminatory reduction in salary, except for cause (see Chapter 25, Section 25–51.)
- C. Faculty members WOT are expected to be integrated fully into the research, instructional, and service activities of their departments, schools, and colleges, warranting their status as voting members of the University. This expectation is the basis for their appointment being continuing and distinguishes such faculty from other non–tenured and term appointments (see Section 24–41.)
- D. Faculty members WOT have their salaries supported from a variety of department, school, and college resources, including, but not limited to, state funds, grant and contract funds, departmental, clinical and service funds. As defined in Section 24–57, faculty member's WOT shall have a written understanding with the chair describing their duties to be performed to meet the department's missions. This understanding will specify the sources, distributions and levels of funds supporting

their salaries for these purposes. Salary funding shall be related to the faculty member's involvement in these departmental activities. Classroom instructional duties shall be supported from departmentally administered funds.

- E. To maintain the integration of WOT faculty members in the ongoing activities of the appointing unit during a temporary lapse in funding sources, appointing departments, schools, or colleges shall develop a process to identify and evaluate the availability of alternative salary sources. This process shall be recorded with the dean's office of the appropriate unit and the dean's office shall forward the policy to the Secretary of the Faculty. Should alternative resources be made available, a new version of the understanding specified in Subsection D shall be required.

Section 24–34 Qualifications for Extension Appointments

Persons giving instruction in extension classes offered for academic credit shall have scholarly and professional qualifications equivalent to those required for the teaching of regular University classes.

Section 24–35 Tiers and Tier Advancement

- A. Tiers are levels within ranks and titles that reflect continuing achievement in scholarship and research, teaching, and service, commensurate with the expectations for faculty members with a given rank and title in the appointing unit, as more fully described below.
- B. Within the professorial ranks the following tiers are established:
- Assistant Professor 1,2
 - Associate Professor 1,2,3
 - Professor 1,2,3,4,5,6,7,8,9
- C. Within the Lecturer titles the following tiers are established:
- Full-time Lecturer 1,2
 - Full-time Senior Lecturer 1,2,3
 - Principal Lecturer 1,2,3,4,5,6
- D. Within the Artist in Residence titles the following tiers are established:
- Artist in Residence 1,2
 - Senior Artist in Residence 1,2,3
- E. To be eligible for tier advancements, a faculty member must be appointed in the tenure, without tenure by reason of funding, or research professorial tracks, or appointed to a rank or title listed above that is eligible for multi-year appointments (whether or not the individual's current appointment is multi-year).
- F. An initial appointment for a tier-eligible faculty member is ordinarily to Tier 1 within the given rank. A promotion for a tier-eligible faculty member is to Tier 1 within the given rank or title. However, an individual with significant prior experience who is initially appointed to a rank of Associate Professor, Senior Lecturer, Senior Artist in Residence, or higher should be assigned an initial tier that is commensurate with his or her career stage and salary compared to market conditions and to the other members of the unit at the same rank or title. The initial tier shall be assigned by the chair (or, in an undepartmentalized college, the dean), subject to approval by the dean in consultation with the elected faculty council.
- G. A tier eligible Assistant Professor who is reappointed for a second three-year term (as described in Section 24-41, Subsection A) shall be advanced to Tier 2, effective at the start of the second three-year term.

- H. For all tier-eligible faculty members other than Assistant Professors, to receive an advancement from one tier to a higher tier (with the exception of advancement to Professor Tiers 7 and higher, described in subsection I below) depends on a finding that the individual faculty member's recent record of performance reflects continued achievement in scholarship and research, teaching, and service at a level that is commensurate with the high expectations of the university and of the faculty member's unit for a faculty member at a similar stage of his or her university career. The relative weights of these criteria for each individual faculty member may be adjusted from time to time as described in Section 24-32. A tier advancement should be awarded when a faculty member's accomplishments since the most recent previous appointment, promotion, or tier advancement are commensurate with that of a typical UW faculty member in the field over the course of about four years. Because this is a performance-based system, the rate of tier advancement will differ from one individual to the next, with some being advanced more frequently than the average and some less, when compared with the achievement of the appropriate comparators over the course of about four years. For the same reason, individuals may experience different frequencies of tier advancement at different times during their career.
- I. Advancement to Professor Tier 7 is based on an evaluation of the faculty member's cumulative record of performance, and depends on evidence of exceptional distinction in scholarship, teaching, and service as attested by the judgment of the individual's departmental colleagues at the rank of Professor and by external letters of review. Advancement to Professor Tier 8 or higher depends on evidence of continuing exceptional distinction, as attested by the judgment of the individual's departmental colleagues at the rank of Professor. (External letters of review are not required for tiers higher than 7.) A Professor who has advanced to Tier 7 or higher shall be entitled to the designation "Eminent Professor."
- J. In unusual circumstances, a department (or undepartmentalized college or school) may recommend that an individual be advanced to a tier higher than those listed in subsections B, C, and D above. Such an advancement requires explicit permission of the Provost.
- K. A faculty member serving in an administrative position, including chairs and deans, with responsibilities that include authority over non-administrative faculty members' salary adjustments, tier advancements, promotions or reappointments shall receive an exemption from the tier system. For compelling reasons, a faculty member serving in an administrative position may request from the dean or provost an exemption from the tier system or may request that they remain in the tier system. When the faculty member's administrator exemption ends the faculty member shall be assigned a tier that is commensurate with his or her career stage and salary compared to market conditions and to the other members of the unit at the same rank. The tier shall be assigned by the Provost, in consultation with the faculty member's chair, dean or chancellor, and elected faculty council.

Section 24-40 Appointment Policies and Procedures

Section 24-41 24-51 Responsibility for Appointments

- A. The President and the appropriate college or school faculty share responsibility for recommending faculty appointments to the Regents. Full and discriminating consideration by that faculty of the scholarly and professional character and qualifications of a proposed appointee is essential in an effective appointment procedure.
- B. The appropriate faculty, therefore, shall carefully judge the scholarly and professional character and qualifications of a prospective appointee, shall determine from all available evidence his or her suitability for employment, and shall provide the Regents, through the President, with the information needed for a wise decision.

Section 24–42 24-52 Procedure for New Appointments

- A. Faculty recommendations of appointments are ordinarily rendered through committees, and the procedure depends upon the level of appointment.
1. For recommendation of a departmental appointment other than that of chair, the department members act as an advisory appointment committee. A department may delegate this responsibility to a departmental committee.
 2. A committee responsible for recommending the appointment of a department chair should be an ad hoc committee appointed by the dean of the appropriate college, or if the President so desires, by the President.
 3. A committee responsible for recommending the appointment of a dean should be an ad hoc committee appointed by the President.
- B. The duty of an appointment committee is to search for suitable candidates, to study and determine their qualifications (Sections 24–32 to 24–36), and to obtain and evaluate all data related to the problem of appointment. When, after such a study, the committee finds a candidate or candidates who appear to be qualified it shall transmit its information and recommendation to:
1. The department chair, if the appointment is to be a departmental one other than that of chair, or
 2. The appropriate dean, if the appointment is to be one of a department chair, or
 3. The President, if the appointment is to be one of a dean.
- C. In making new appointments administrative officers shall act in the manner prescribed below.
1. If the appointment is to be a departmental one other than that of chair, the chair shall submit all available information concerning candidates suggested by the department, the chair, or the dean to the voting members of the department faculty. The voting faculty of an academic unit may, by majority vote, delegate authority to recommend the appointment of affiliate or clinical faculty, research associates, or annual or quarterly part-time lecturers to an elected committee of its voting faculty. In an undepartmentalized college or school, this delegation may be made to an elected committee of its voting faculty. The delegation shall expire one calendar year after it is made.

Recommendations in favor of appointment, based on a majority vote of the voting members of the faculty or of the elected committee with delegated authority, shall be sent with pertinent information to the appropriate dean. If the chair concurs in the department recommendation, the dean shall make a decision concerning the appointment and, if it is favorable, shall transmit it together with the vote of the department and the recommendation of the chair to the President. In the unusual case where the chair does not concur in the department recommendation, he or she may communicate objections to the dean and may also submit a separate recommendation to the dean from among the candidates who have been considered by the department. If the dean concurs in the chair's recommendation, or has additional information which raises doubts concerning the department's recommendation, or finds that the President has such information, the dean shall refer the matter again to the department along with an explanation and comments. After considering the evidence, the department may then either reaffirm its original recommendation, or transmit a new one. After the department's final recommendation has been sent to the dean, the dean shall make a decision concerning the appointment and, if an appointment is to be recommended, shall transmit it together with the final recommendation of the department and the recommendation of the chair to the President.

2. If the appointment is to be one of a department chair, the dean shall deal directly with the appointment committee in making the decision. The department concerned shall be consulted in making the appointment, but a formal vote is not required.
3. If the appointment is to be one of a dean, the President shall deal directly with the appointment committee in making the decision.

Section 24-43 24-53 Procedure for Renewal of Appointments

When it is time to decide upon renewal of a nontenure appointment to the faculty (Section 24-44 44) whether tier eligible or not, the procedure described below shall be followed.

- A. The voting members of the appropriate department (or undepartmentalized college or school) who are superior in academic rank or title to the person under consideration shall decide whether to recommend renewal or termination of the appointment. Research faculty shall be considered by voting faculty who are superior in rank to the person under consideration, except that the voting faculty at rank of professor shall consider whether to recommend renewal or non-renewal of the appointment of a research professor. Faculty with instructional titles outlined in Section 24-34, Subsection B shall be considered by voting faculty who hold a professorial rank or instructional title superior to the person under consideration. The voting faculty of an academic unit may, by majority vote, delegate authority to recommend the renewal of ~~affiliate or clinical faculty, research associate, or annual or quarterly part-time lecturer appointments~~ faculty members who are not tier-eligible (according to Section 24-62 D) to an elected committee of its voting faculty. In an undepartmentalized college or school, this delegation may be made to an elected committee of its voting faculty. The delegation:
 1. Does not alter faculty rank requirements for considering appointment renewals, and
 2. Shall expire one calendar year after it is made.
- B. If this recommendation is a departmental one, the chair shall transmit it to the dean. If the chair does not concur in the recommendation he or she may also submit a separate recommendation.
- C. The dean shall decide the matter within the time prescribed in Section 24-41 and inform the faculty member concerned of the decision.
- D. If a faculty member requests a written statement of the reasons for the non-renewal of his or her appointment, the dean shall supply such a written statement within 30 days.

Section 24-44 24-41 Duration of Nontenure Appointments

- A. The first appointment or the reappointment of an assistant professor is for a basic period of three years, subject to earlier dismissal for cause. Although neither appointment period shall extend beyond the academic year in which a decision on tenure is required, the year in which a negative tenure decision is made must be followed by a terminal year of appointment. If the assistant professor is reappointed, the period of reappointment must include a tenure decision. Assistant professors holding positions funded by other than state funds shall be treated in the same way except that the appointment may be to a position without tenure by reason of funding as provided in Subsection D. Procedures governing the reappointment of assistant professors are as follows:
 1. During the second year of the initial appointment, the dean of the assistant professor's college or school shall decide whether:
 - a. The appointment is to be renewed under the above provision for reappointment;

- b. The appointment is not to be renewed beyond the initial three-year period, in which case the appointment will terminate at the end of the third year; or
- c. The decision concerning the appointment is to be postponed to the following year.
2. Should the above decision result in a postponement, during the third year of the initial appointment the dean shall decide whether:
 - a. The appointment is to be renewed under the above provision for reappointment, or
 - b. The appointment is not to be renewed; if it is not, the basic appointment is extended to include a fourth and terminal year.
3. The dean shall inform the professor in writing within 30 days of any decision made pursuant to this section.

B. Lecturer and Artist in Residence

1. Appointment as a full-time lecturer or artist in residence shall be for a term not to exceed five years.

The normal appointment period of a part-time lecturer or artist in residence shall be for one year or less with exceptions to be reviewed by the Provost.

2. Appointment as a full-time senior lecturer, principal lecturer, or senior artist in residence shall be for a term not to exceed five years. The normal appointment period of senior and principal lecturers shall be for a minimum of three years with exceptions to be reviewed by the Provost.

The normal appointment period of a part-time senior lecturer, principal lecturer, or senior artist in residence shall be for one year or less with exceptions to be reviewed by the Provost.

3. Except as provided in Subsection B.4 below, at least six months (or three months in the case of an initial annual appointment) before the expiration date of an appointment of a full-time lecturer, artist in residence, senior lecturer, principal lecturer, or senior artist in residence, the dean shall determine, pursuant to Section 24-53, whether this appointment shall be renewed and shall inform the faculty member in writing of the decision.
4. A renewal decision in accord with Subsection B.3 above is not required where an initial appointment of a full-time lecturer, artist in residence, senior artist in residence, senior lecturer, or principal lecturer is for one year or less and the appointment is identified at the time of appointment as not eligible for renewal.
5. Part-time appointments as lecturer, artist in residence, senior lecturer, principal lecturer, and senior artist in residence are for the period stated in the letter of appointment. If such appointments are to be renewed the procedures in Section 24-53 shall be followed in a timely manner with knowledge of funding availability and staffing needs.

- C. A full-time lecturer, artist in residence, or senior lecturer may, prior to expiration of an existing appointment, be considered for appointment as, or promotion to, a senior lecturer, senior artist in residence, or principal lecturer, respectively.

- D. Notwithstanding the provisions of Subsection A, appointments of assistant professors who are supported by other than state-appropriated funds are subject to termination should the supporting agency fail to continue the funding for the appointment, provided that the assistant professor

supported by other than state–appropriated funds is advised in writing prior to commencement of his or her appointment that such appointment is at all times subject to the continued availability of grant or contract funds.

- E. The first appointment or the reappointment of a faculty member to less than 50% of full–time status shall be made on an annual, or shorter, basis. A faculty member who is appointed to a position with less than 50% of full–time status shall not accumulate eligibility toward tenure.
- F. The first appointment or the reappointment of a research assistant professor is for a basic period of three years, subject to earlier dismissal for cause. Research assistant professors may not be reappointed more than once, except that a research assistant professor who does not receive promotion in rank must receive a terminal year of appointment. Procedures governing the reappointment of research assistant professors are as follows:
1. During the second year of the initial appointment, the dean of the research assistant professor's college or school shall decide whether:
 - a. The appointment is to be renewed under the above provision for reappointment;
 - b. The appointment is not to be renewed beyond the initial three–year period, in which case the appointment will cease at the end of the third year; or
 - c. The decision concerning the appointment is to be postponed to the following year.
 2. Should the above decision result in a postponement, during the third year of the initial appointment the dean shall decide whether:
 - a. The appointment is to be renewed under the above provision for reappointment or
 - b. The appointment is not to be renewed; if it is not renewed, the basic appointment is extended to include a fourth and terminal year.
 3. Not later than the end of the third year of a second appointment, the dean of the research assistant professor's college or school shall decide whether:
 - a. The research assistant professor is to be appointed as research associate professor, associate professor without tenure by reason of funding or associate professor with tenure;
 - b. The appointment is to cease at the end of the following year; or
 - c. The decision concerning the appointment is to be postponed to the following year. In cases b and c the appointment is extended by one year.
 4. Should the above decision result in a postponement, during the extension year of a second appointment, the dean of the research assistant professor's college or school shall decide whether:
 - a. The research assistant professor is to be appointed as research associate professor, associate professor without tenure by reason of funding or associate professor with tenure, or
 - b. The appointment is to cease; in which case the basic appointment is extended by one year.
 5. The dean shall inform the professor in writing within 30 days of any decision made pursuant to this section.

- G. At least six months (or three months in the case of an initial annual appointment) before the expiration date of an appointment of a Research Associate Professor, Research Professor, or Professor of Practice, the dean shall determine, pursuant to Section 24-53, whether this appointment shall be renewed and shall inform the faculty member in writing of the decision. A renewal decision is not required where an initial appointment of a Research Associate Professor, Research Professor, or Professor of Practice is for one year or less and the appointment is identified at the time of appointment as not eligible for renewal.
- H. Notwithstanding the provisions of this subsection, research assistant professors are subject to removal during the term of their appointment for cause (see Chapter 25, Section 25-51), for termination of funding, or for reasons of program elimination (see Chapter 25, Section 25-52.)
- I. Research professors and research associate professors are not subject to removal during the term of their appointment except by removal for cause (see Chapter 25, Section 25-51), for termination of funding as defined in Subsection I, or for reasons of program elimination (see Chapter 25, Section 25-52.)
- J. Termination of funding is defined as failure, for a continuous period of more than 12 months, to obtain funding sufficient to provide at least 50% of the faculty member's base annual salary. The University is not obligated to provide replacement funding during lapses of a faculty member's external support.
- K. In unusual cases, an individual may be appointed to the title of research assistant professor when there is no known funding to support the appointment. The department and dean shall determine that the individual will seek external funding to support his or her appointment. Such appointments shall be made on an annual or shorter basis, and may be renewed annually upon evidence of research grant or contract pursuit activity. Upon receipt of salary funding support, said appointments shall be converted to initial three-year appointments in conformance with Subsection G.
- L. The procedures prescribed in Section 24-53 for renewal of appointments and in Section 24-54 for Procedure for Promotion shall govern actions taken under this section.

Section 24-45 Appointment of Part-Time Professors

- A. The University may appoint faculty to professorial or research professorial ranks (see Section 24-34, Subsections A.1 through A.3 and Subsection B.3) on less than a full-time basis. The percentage of appointment at the time of hire shall be documented by the department chair (or dean in an undepartmentalized school or college) and clearly communicated in writing to the faculty member.
- B. The first appointment of a part-time assistant professor at 50% or greater of full-time shall be for a basic period of three years, subject to earlier dismissal for cause. In Spring Quarter of the second year of appointment, the dean of the assistant professor's college or school shall decide whether:
1. The appointment is to be renewed;
 2. The appointment is not to be renewed beyond the three-year period, in which case the assistant professor will be notified that the appointment ceases at the end of the third year; or
 3. The decision concerning reappointment is postponed to the following year, in which case the assistant professor will be notified that the three-year appointment is extended to include a fourth year.
- C. Should the decision in Subsection B above result in a postponement, during Spring Quarter of the third year the dean shall decide whether:
1. The appointment is to be renewed for a further period consistent with Subsection D below; or

2. The appointment is not to be renewed, in which case the assistant professor shall be notified that the appointment ceases at the end of the fourth year.
- D. Should the initial appointment of a part-time assistant professor be renewed pursuant to Subsection B or C above, the following renewal periods pertain to the second appointment:
1. For part-time assistant professors who hold appointments of 90% time and above, the second appointment period shall be for three years.
 2. For part-time assistant professors who hold appointments between 70% and 89%, the second appointment shall be for four years.
 3. For part-time assistant professors who hold appointments between 60% and 69%, the second appointment shall be for five years.
 4. For part-time assistant professors who hold appointments between 50% and 59%, the second appointment shall be for six years.

In all cases, a mandatory review for promotion and tenure (or in the case of WOT faculty, for promotion and continuous appointment) must occur no later than the end of the last year of appointment as specified in Subsections D.1 through D.4 above.

- E. At any time during the appointment, the faculty member may change his or her percentage of appointment with the written agreement of the dean. In the event of a change, the time for mandatory review shall be stated in the agreement consistent with Subsection D above.

Section 24-50 Promotion and Tenure

Section 24-51 ~~25-31~~ Definition of Tenure

Tenure is the right of a faculty member to hold his or her position without discriminatory reduction of salary, and not to suffer loss of such position, or discriminatory reduction of salary, except for the reasons and in the manner provided in the Faculty Code.

Section 24-52 ~~25-32~~ Criteria for Tenure

- A. Unless he or she is disqualified under any other provision of this section, a full-time member of the faculty has tenure if:
1. He or she is a professor or associate professor; or
 2. He or she has held full-time rank as assistant professor in the University for seven or more years and has not had his or her term of appointment extended by the Provost or received notice terminating his or her appointment.
- B. Generally, recommendation for tenure (Section 25-41) is made concurrently with recommendation for promotion to the rank of associate professor (except in the circumstances listed in the subsequent paragraphs of this section.)
- C. A faculty member does not acquire tenure under:
1. An acting appointment, or

2. A visiting appointment, or
 3. Any appointment as lecturer, artist in residence, senior lecturer, senior artist in residence, principal lecturer, or
 4. An appointment as teaching associate, or
 5. An appointment as professor of practice, or
 6. Any appointment specified to be without tenure, or
 7. An adjunct appointment, or
 8. A research appointment, or
 9. A clinical appointment, or
 10. An affiliate appointment, or
 11. Any other appointment for which the University does not provide the salary from its regularly appropriated funds, unless the President notifies the appointee in writing that tenure may be acquired under such appointment.
- D. Appointments to the rank of associate professor or professor "without tenure," as specified in Subsection C.6 above, are limited to not more than two consecutive appointments, each of three years' duration. The first appointment is for a basic period of three years, subject to earlier dismissal for cause. During the second year of the initial appointment, the appointment will be considered for renewal consistent with the provisions of Chapter 24, Section 24-41, Subsection A for assistant professors. If the associate professor or professor is reappointed, the three-year period of reappointment must include a tenure decision and terminal year in the event that tenure is not granted. To meet this expectation, the tenure review must be conducted no later than the second year of the second three-year appointment; during this second term of appointment, postponement of the tenure decision is not an option. In the case where tenure is not granted in the mandatory fifth year, the sixth year will be the terminal year of appointment. The part-time renewal periods provided for assistant professors in Chapter 24, Section 24-45, Subsection D do not apply to associate professors and professors without tenure.
- Appointments to the rank of associate professor or professor "without tenure by reason of funding," as specified in Subsection C.11 above, are continuing appointments governed by Chapter 24, Section 24-40.
- E. A faculty member with tenure may resign a portion of his or her appointment with the agreement of his or her department chair, dean, and the President, while retaining tenure in his or her part-time appointment.
- F. A part-time assistant professor appointed pursuant to Chapter 24, Section 24-45 accumulates eligibility for tenure under Subsection A of this section.
- G. Time spent on leaves of absence from the University does not count in the accumulation of time toward tenure.

Section 24-53 ~~25-33~~ Tenure of Faculty Members in Administrative Positions

The tenure of a faculty member who holds an administrative position, such as that of dean or department chair, extends only to the faculty position which she or he holds conjointly with such administrative position.

Section 24-54 ~~25-41~~ Granting of Tenure: Policy and Procedure

[For "Documentation of Qualifications and Recommendations for Promotion, Tenure, and Merit Increases," see Executive Order No. 45]

- A. Tenure should be granted to faculty members of such scholarly and professional character and qualifications that the University, so far as its resources permit, can justifiably undertake to employ

them for the rest of their academic careers. Such a policy requires that the granting of tenure be considered carefully. It should be a specific act, even more significant than promotion in academic rank, which is exercised only after careful consideration of the candidate's scholarly and professional character and qualifications.

- B. Consistent with the timelines set in Section 25-32, Subsection A.2 for full-time assistant professors and Chapter 24, Section 24-45 for part-time assistant professors, and Section 25-32, Subsection D for associate professors or professors "without tenure," a decision shall be made in the following manner:

A recommendation that the faculty member be granted or denied tenure shall be sent to the dean of the school or college. This recommendation shall be based upon a majority vote of the eligible professors and associate professors of the department, or of the school or college if it is not departmentalized. If the chair does not concur in the recommendation she or he may also submit his or her own recommendation.

The dean, advised as prescribed in Chapter 24, Section 24-54, Subsection C shall then make his or her recommendation to the Provost, and if tenure is to be granted it shall be conferred by the President acting for the Board of Regents.

If the faculty member's tenure is granted, the President shall so notify him or her in writing. If tenure is denied, the dean shall notify the individual in writing that the appointment will terminate at the end of the succeeding academic year.

A faculty member whose tenure is denied may engage in the administrative and conciliatory proceedings described in Chapter 27, and may file a petition for review as provided in Section 25-64.

If a tenure decision is postponed for reconsideration, the assistant professor's dean shall cause him or her to be notified in writing that the appointment will terminate at the end of the second succeeding academic year unless reconsideration in the meantime shall have resulted in the granting of tenure.

- C. If it is desired to appoint to a position with tenure other faculty members referred to in Section 25-32, Subsection C, the procedures for recommendation and granting described in Subsection B above shall be followed, except that a denial of tenure shall not of itself lead to termination of appointment.

Section 24-55 24-54 Procedure for Promotions

Annually, all eligible members of the faculty shall be informed of the opportunity to be considered for promotion by their department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee). At the request of the faculty member, or if the promotion decision is mandatory, a promotion review shall be conducted following the procedure below.

A faculty member eligible for promotion (whether tier eligible or not) shall receive a promotion review if recommended by a collegial performance review (Section 24-60), or at the request of the faculty member, or if the promotion decision is mandatory. The promotion review shall be conducted following the procedure below.

- A. The voting members of the appropriate department (or undepartmentalized college or school) who are superior in academic rank or title to the person under consideration shall decide whether to recommend the promotion. Research faculty shall be considered by voting members of the appropriate department, or undepartmentalized college or school, who are superior in academic rank to the person under consideration. Faculty with instructional titles outlined in Section 24-34, Subsection B shall be considered by voting members of the appropriate department or undepartmentalized college or school who hold an eligible professorial appointment or an instructional title superior to that of the candidate being considered. In this decision they shall take

into account the qualifications prescribed in Sections 24-31, 24-32, 24-33, 24-34, and 24-35 for the various academic ranks and titles. Promotion shall be based upon the attainment of these qualifications and not upon length of service. In arriving at recommendations for promotion, faculty, chairs, and deans shall consider the whole record of candidates' qualifications described in Section 24-32.

- B. The record of the candidate being considered for promotion shall be assembled following the guidelines of the candidate's college and unit. The candidate is responsible for assembling the promotion record, which shall include a self-assessment of the candidate's qualifications for promotion. External letters of review shall be kept confidential from the candidate.

For departments (or college/school if undepartmentalized) where an initial report and/or recommendation on the qualifications of the candidate for promotion is produced by a subcommittee of the faculty senior in rank and title, the report shall be written. The department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee) shall provide the candidate with a written summary of the committee's report and recommendation. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from the candidate's summary. The candidate may respond in writing within seven calendar days. The chair or dean shall forward the candidate's response, if any, together with the committee's report to the voting faculty.

The voting faculty of the candidate's department (or college/school if undepartmentalized) superior in rank and title to the candidate shall then meet to discuss the candidate's record. A vote on the promotion question shall occur following the discussion.

The department chair (or the chair's designee or the dean of an undepartmentalized school or college or the dean's designee) shall write a formal report of these proceedings for the candidate, summarizing the discussion and recommendation. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from this report. The candidate may then respond in writing to the department chair (or dean in an undepartmentalized school or college) within seven calendar days.

If the faculty recommendation is a departmental one, and is favorable, or if the promotion decision is mandatory, or if the candidate has written a response to the departmental vote, the chair shall transmit all documents produced in this promotion process to the appropriate dean, with his or her independent analysis and recommendation. The chair may, at his or her discretion, share the chair's recommendations with the candidate.

- C. The dean shall be advised by a committee or council of the college or school. This advisory group, elected by the faculty of the college or school, shall consider each case presented to it and submit its recommendations with reasons therefor to the dean. If the recommendation of the committee or council is not favorable, or if it conflicts with the faculty vote, then the council or committee recommendation with reasons therefor shall be provided to the candidate. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from this report. In a departmentalized school or college, when a candidate for promotion is under consideration, any member of the committee or council who is also a member of the candidate's department may be excused.

- D. After receiving the recommendation of this committee or council the dean shall decide the matter.

Prior to the issuance of a decision or recommendation by the dean that is not favorable, the dean shall provide the candidate with his or her initial recommendation and reasons therefor. In such cases, the dean or the dean's designee shall then discuss the case with the candidate. The candidate may then respond in writing to the dean within seven calendar days of the discussion.

If the recommendation of the dean is favorable, or if the promotion decision is mandatory, the dean shall transmit his or her recommendation and the candidate's response, if it exists, to the candidate and to the Provost. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from the report to the candidate.

If the promotion decision of the dean is not favorable and not mandatory, and the candidate has written a response to the dean, the dean shall transmit his or her decision and the candidate's response to the Provost for information purposes.

- E. After the case is decided, the dean shall ensure that the candidate is informed in writing in a timely way of the result of the case and, if the result is not favorable, the reasons therefor.

24-60 Evaluation of Faculty Members

Section 24-55 Procedure for Salary Increases Based Upon Merit

~~Faculty at the University of Washington shall be reviewed annually by their colleagues, according to the procedures detailed in this section, to evaluate their merit and to arrive at a recommendation for an appropriate merit salary increase. Such reviews shall consider the faculty member's cumulative record, including contributions to research/scholarship, teaching, and service, and their impact on the department, school/college, University, and appropriate regional, national, and international communities.~~

~~The evaluation of a faculty member's merit and salary shall be arrived at after review of the individual's performance in relation to that of their colleagues and by comparison of individuals' present salaries to those of their peers. In evaluating a faculty member's eligibility for merit-based salary increases (Section 24-70, Subsections B.1 and B.4; Section 24-71, Subsections A.1 and B.1) and for "market gap" salary increases (Section 24-71, Subsection B.2), the following procedure shall be followed.~~

- ~~A. In arriving at their recommendations for salary decisions the appropriate faculty, department (unit) chairs, and deans shall each consider the following:~~

- ~~1. The cumulative record of the candidate, taking into account the qualifications prescribed in Sections 24-32, 24-33, 24-34, and 24-35 for the various academic ranks and titles;~~
- ~~2. The candidate's current salary;~~
- ~~3. Documentation of the review conference required by Section 24-57, Subsection D; and~~
- ~~4. Any documents produced under Subsection H of this section.~~

~~Salary recommendations shall seek to minimize salary inequities. Salary compression and other inequities, including those resulting from variations in the level of merit funds available over time, may be considered in making merit salary recommendations.~~

- ~~B. The merit and salary of each faculty member below the rank and title of professor shall be considered by the voting members of the department, or undepartmentalized college or school, who are his or her superiors in academic rank and title, and they shall recommend any salary increase which they deem merited.~~

- ~~C. The chair of a department, or the dean of an undepartmentalized school/college, shall consider the merit and salary of each full professor in his or her unit. Before forwarding his or her recommendations the chair (or dean in an undepartmentalized school/college) shall seek the advice of the full professors according to a procedure approved by the voting members of the unit.~~

- ~~D. If the recommendation is a departmental one, the chair shall transmit it to the dean with any supporting data the dean may request. If the chair does not concur in the recommendations he or she may also submit a separate recommendation.~~
- ~~E. The dean shall review the department's recommendation and forward his or her recommendation regarding faculty merit and salary to the President.~~
- ~~F. The dean of each college/school shall review the record and salary of the chair of each department and shall recommend an appropriate salary increase to the President.~~
- ~~G. The President shall authorize the salary increases of the faculty, and of each dean.~~
- ~~H. At the option of the faculty member affected, and mandatorily in the event of two consecutive annual ratings of no merit (as a result of reviews under this section), the chair of the faculty member's department (or dean of an undepartmentalized school or college) shall, after consultation with the faculty member, appoint an ad hoc committee of department (or school/college) faculty superior (or, in the case of full professors, equal) in rank or title to the faculty member. This committee shall meet at its earliest convenience with the faculty member and review more fully the record and merit of that faculty member.~~

~~The committee shall, upon completion of its review, report in writing the results to the faculty member and to his or her department chair (or dean in an undepartmentalized school/college) and the committee shall advise them what actions, if any, should be undertaken to enhance the contributions and improve the merit ranking of this colleague, or to rectify existing misjudgments of his or her merit and make adjustments to correct any salary inequity. The faculty member may respond in writing to this report and advice within 21 calendar days to the department chair (or dean) and committee (unless upon the faculty member's request and for good cause the response period is extended by the chair or dean). The committee's report and advice, the faculty member's written response (if any), the response by the chair, and any agreement reached by the faculty member and the chair shall be incorporated into a written report.~~

Section 24-61 24-57 Procedural Safeguards for Promotion, Tenure, Tier Advancement and Collegial Performance Review Merit-Based, and Tenure Consideration

All procedures regarding promotion, merit-based salary, and tenure considerations outlined in the relevant sections of the *Faculty Code* must be followed. Collegial performance reviews of faculty members (whether tier eligible or not) are conducted by faculty colleagues as described in Section 24-62. This section describes procedures for gathering information to be used in those reviews, and for safeguarding the rights of faculty members and the welfare of the university. Open communication among faculty, and between faculty and administration, must be maintained in order to insure informed decision making, to protect the rights of the individual and to aid the faculty in the development of their professional and scholarly careers.

Each faculty member must be allowed to pursue those areas of inquiry which are of personal scholarly interest; at the same time, however, each faculty member must be informed of the expectations a department holds for him or her and of the manner in which his or her activities contribute to the current and future goals of the department, school, college, and University. In order to enable the faculty member to establish priorities in the overall effort of professional career development and to fulfill the University's obligations of fair appraisal and continual monitoring of faculty development, the following procedural safeguards-processes shall be adopted-implemented in each department, school, or college.

A. Assessment of Teaching Effectiveness

Each faculty member with teaching responsibilities shall have at least one course evaluated by students in any academic year during which that member teaches one or more courses. To

implement the provision stipulated in Section 24–32, Subsection C, the standardized student assessment of teaching procedure which the University makes available may be used for obtaining student evaluation of teaching effectiveness, unless the college, school, or department has adopted an alternate procedure for student evaluation, in which case the latter may be used. The teaching effectiveness of each faculty member with teaching responsibilities also shall be evaluated by colleagues using procedures adopted within the appropriate department, school, or college, and collegial teaching evaluations shall be considered when any decision is made regarding renewal of appointment, promotion, tenure, or tier advancement of a faculty member.

The collegial evaluation of teaching effectiveness shall be conducted prior to recommending any renewal of appointment or promotion of a faculty member. In addition, Ffor faculty at the rank of assistant professor, or associate professor or professor "without tenure" under Chapter 25, Section 25-32, Subsection D., or professor "without tenure" under the same subsection, or with the instructional title of lecturer, the collegial teaching evaluation shall be conducted every year. For other faculty at the rank of associate professor or professor or with the title of senior lecturer, principal lecturer, or professor of practice, †The collegial teaching evaluation shall be conducted at least every three two years for associate professors and senior lecturers, and at least every four years for professors and principal lecturers. A written report of this evaluation shall be maintained by the appointing unit and shared with the faculty member.

B. Yearly Activity Report

Each department (or undepartmentalized college) shall adopt a suggested format by which each faculty member will have the opportunity to provide information on professional activities carried out during the prior year. These reports shall be prepared in writing by each faculty member and submitted to the chair (or dean) in a timely fashion each year, and shall be used as reference and as a source of information for consideration of satisfactory performance, promotion, merit salary, or tenure. These forms shall be used as evidence for recommendation of promotion, merit salary, or tenure, reappointment, or tier advancement. Such information may be updated by a faculty member at any time during the academic year.

C. Regular Planning Conference with Faculty

Each year the chair, or where appropriate the dean or his the chair's or her dean's designee, shall confer individually with all full-time lecturers, assistant professors, and associate professors "without tenure" appointed under Chapter 25, Section 25-32, Subsection D professors "without tenure" appointed under Chapter 25, Section 25-32, Subsection D the same subsection, and all paid non-tier eligible faculty members.

The chair must ensure that this conference occurs early enough that a collegial review can occur if a reappointment is required (for assistant professors, research professors, lecturers, artists in residence, and professors of practice see Section 24-44; for part-time professors see Section 24-45; and for associate and full professors "without tenure" see Section 24-34).

The chair (or dean or his or her designee) shall confer individually with the other associate professors and senior lecturers at least every two years, and with the other professors, and principal lecturers, and professors of practice at least every three four years, the conference shall occur sooner than the required time if requested by the individual faculty member. The purpose of the regular conference is to help individual faculty members plan and document their career goals; and to assess when it is appropriate to initiate a collegial review of their performance. While the documentation of those goals will be part of the faculty member's record for subsequent determinations of merit collegial performance reviews, the regular conference should be distinct from the merit collegial performance review pursuant to Section 24-55 Section 24-60.

At each such conference, the chair, dean, or his or her designee, and the faculty members shall discuss:

1. The department's present needs and goals with respect to the department's mission statement and the faculty member's present teaching, scholarly and service responsibilities and accomplishments;
2. Shared goals for the faculty member's teaching, scholarship and service in the forthcoming year (or years, as appropriate) in keeping with the department's needs and goals for the same period; and
3. A shared strategy for achieving those goals; and
4. The chair, dean, or designee's career advice and the possible timing of collegial performance reviews, based on the faculty member's recent performance and accomplishments, the department's needs and goals, and the faculty member's responsibilities.

~~The chair, dean, or his or her designee and the faculty member shall discuss and identify any specific duties and responsibilities expected of, and resources available to, the faculty member during the coming year(s), taking into account the academic functions described in Section 24-32. The chair, dean or his or her designee should make specific suggestions, as necessary, to improve or aid the faculty member's work.~~

D. Outcome of Planning Conference

After the conference, a collegial performance review pursuant to Section 24-62 shall be initiated if requested by the chair, dean, or his or her designee or the faculty member; or if it is time to decide upon renewal of a nontenure appointment; or if it has been five years since the last previous collegial performance review. It is expected a collegial review will be required on average once every four years for tier eligible faculty not up for reappointment or a tenure decision (see Section 24-34, Subsection H).

~~D-E.~~ Documentation

The chair, dean, or his or her designee, shall, in a timely manner, document in writing, with a copy to the faculty member, that such conferences occurred, and shall list the subject matter discussed.

This conference document shall also articulate in sufficient detail the discussed commitments and responsibilities of the faculty member for the coming year(s) and how these commitments and responsibilities are consistent with institutional standards for promotion and tenure as defined in Chapter 24.

Should the faculty member not agree with the summary or statements in this conference document, he or she shall indicate so in writing. The failure of a faculty member to object in writing to the chair's (or dean's) conference document within ten days of receiving it (unless upon the faculty member's request and for good cause the period is extended by the chair or dean) shall constitute his or her official acceptance of its terms and conditions.

If the faculty member disagrees with the conference document, the chair (or dean) shall either withdraw it and issue a revised one to which both parties can agree, or reaffirm the accuracy of the original conference document.

In the event the faculty member disagrees with the resulting conference document, the chair of the faculty member's department (or dean of an undepartmentalized school or college) shall appoint an ad hoc committee comprised of three department (or school/college) faculty superior (or in the case

of full professors, equal) in rank or title to the faculty member, or faculty members from the Conciliation Board, and selected in the following manner. The faculty member and the chair, or dean, shall each select one member of the ad hoc committee and those two members shall select the third member. At its earliest convenience, the ad hoc committee shall review fully the records relating to the conference, meet with the faculty member, and meet with the chair, dean, or his or her designee.

The chair, dean, or his or her designee, and the faculty member shall then meet with the ad hoc committee to discuss the issues, with the purpose of achieving a resolution. In the event resolution is not achieved, the committee shall, in a timely manner, report in writing the results of its review to the faculty member, to his or her department chair or dean, and to the designee, if any. The committee's report and advice, if any; the faculty member's written response, if any; the response by the chair, dean, or his or her designee, if any; and any agreement between the faculty member and chair, dean, or his or her designee shall be incorporated into a written report that shall be placed in the faculty member's personnel file and shall be considered during the subsequent collegial performance review.

A faculty member's record upon the stated duties and responsibilities in the conference document will be assessed in accordance with Section 24-55-60 Nothing in this section is intended to alter the institutional standards for promotion and tenure as defined in Chapter 24.

[The University Handbook included Board of Regents Governance, Regent Policy No. 8, and Executive Orders No. 29, No. 45, and No. 64 as footnotes to this section.]

Section 24-62 Collegial Performance Review

All faculty at the University of Washington (whether tier eligible or not) shall be reviewed annually by their colleagues, according to the procedures detailed in this section, to evaluate their merit performance and to arrive at a recommendations for an appropriate merit salary increase reappointment and the timing of promotions and tier advancements. Such reviews shall consider the faculty member's cumulative record, including contributions to research/scholarship, teaching, and service, and their impact on the department, school/college, University, and appropriate regional, national, and international communities. In all these, contributions that address diversity and equal opportunity may be included. Collegial performance reviews are triggered as described in Section 24-61, Subsection D.

The purpose of a collegial performance review is:

1. To determine whether the performance of a faculty member is satisfactory or unsatisfactory;
2. To consider a faculty member for a possible tier advancement;
3. To consider reappointment of faculty members;
4. To consider recommending a faculty member for a possible promotion in rank.

A collegial performance review shall be conducted following the procedure below.

- A. Reviewers must be voting members of the department (or undepartmentalized college or school) of the individual being reviewed.
- B. Reviewers must be superior in academic rank or title to the individual being reviewed, except that professors and principal lecturers shall be reviewed by members of equal or greater rank and title.
- C. The voting faculty of a unit may, by majority vote, delegate the authority to carry out collegial performance reviews of all faculty or all non-tier eligible faculty to a committee of three or more faculty members. This delegation is subject to the following rules:
 1. The vote must stipulate whether the committee being formed will perform collegial reviews for all faculty or all non-tier eligible faculty.

2. The faculty vote must stipulate whether the committee is empowered to carry out an initial review and make recommendations which are then voted upon by the eligible faculty of the unit as described in Section G below, or is empowered to complete collegial performance evaluations without requiring a faculty vote.
 3. This delegation does not alter the faculty rank or title requirements for collegial performance evaluations described in Section B above
 4. The faculty shall vote whether to affirm or amend this delegation biennially.
- D. The unit shall develop guidelines for the collegial performance review. The guidelines shall specify responsibilities for assembly of the record, including a self-assessment.
- E. In assessing whether an individual's performance is satisfactory, reviewers shall take into account the qualifications prescribed in Sections 24-32, 24-33, 24-34, and 24-35, and Executive Order 45 for the various academic ranks and titles. Performance shall be measured upon the attainment of these qualifications and not upon length of service and shall consider the whole record of the individual's qualifications described in Section 24-32, including:
1. The most recent assessment of teaching effectiveness, as provided in Section 24-57, Subsection A;
 2. The individual's most recent activity report, as described in Section 24-57, Subsection B;
 3. Documentation of the planning conference, as provided in Section 24-57, Subsection D.
 4. The individual's self-assessment
- F. For departments (or college/school if undepartmentalized) where an initial report is produced by a committee, the department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee, shall provide the individual being reviewed with a written summary of the committee's report and recommendation. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from the summary given to the individual being reviewed. The individual being reviewed may respond in writing within seven calendar days. The head of the unit shall forward any such response, together with the committee's report, to all qualified reviewers.
- G. The faculty members who are eligible to review the individual under consideration, or the designated committee (Section 24-62.C.) shall then consider the individual's record. Following the consideration, there shall be a vote by all eligible voting faculty members of the department or school/college or members of the committee to whom responsibility has been delegated, on whether the individual's performance is satisfactory and on whether one or more of the following actions should be taken.
1. The faculty member should be given one or more tier advancements based on the criteria of Section 24-62;
 2. The faculty member should be considered for a possible promotion in rank and title, following the procedures of Section 24-54;
 3. The faculty member should be reappointed, following the procedures of Section 24-53.
- H. The department chair (or the chair's designee or the dean of an undepartmentalized school or college or the dean's designee, or chair of the delegated committee) shall write a formal report of these proceedings for the candidate, summarizing the discussion and recommendation. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted from this report. The candidate may then respond in writing to the department chair (or dean in an undepartmentalized school or college) within seven calendar days.
- I. If the recommendation is for tier advancement, the chair shall transmit it to the dean or chancellor

with the candidate's response, if any, and any supporting data the dean or chancellor may request. If the chair does not concur in the recommendation for tier advancement he or she may also submit a separate recommendation.

- J. Final decisions on tier advancement that are supported by a favorable vote of the faculty shall be made by the Dean, after an advisory review by the elected faculty committee or council. After the case is decided, the dean shall ensure that the candidate is informed in writing in a timely way of the result of the case and, if the result is not favorable, the reasons therefor.
- K. Notwithstanding the procedures described in this section, faculty members serving part-time or full-time in administrative positions shall have their administrative performance evaluated by their administrative supervisors.

Section 24-63 24-55.H. Consequences of Unsatisfactory Performance

In the event of a finding of unsatisfactory performance, the individual shall not be eligible for market adjustments, variable adjustments, or retention increases under [Section 24-72 or 24-73 below – need verification of Sections].

- A. The individual shall have a planning conference with his or her chair (or dean in an undepartmentalized school or college) every year until the finding has been reversed; and the individual shall receive a collegial performance review every year until the finding has been reversed.
- B. At the option of the faculty member affected, and mandatorily in the event of two consecutive annual ratings of no merit determinations of unsatisfactory performance (as a result of reviews under this section Section 24-62), the chair of the faculty member's department (or dean of an undepartmentalized school or college) shall, after consultation with providing the faculty member an opportunity to provide input, appoint an ad hoc committee of at least two department (or school/college) faculty superior (or, in the case of full professors, equal) in rank or title to the faculty member.
- C. This committee shall meet at its earliest convenience with the faculty member and review more fully and evaluate the record and merit of performance concerns relating to that faculty member.
- D. The committee shall, upon completion of its review, report in writing the results to the faculty member and to his or her department chair (or dean in an undepartmentalized school/or college) and the committee shall advise them what actions, if any, should be undertaken to enhance:
 - a. Enhance the contributions and improve the merit ranking collegial performance evaluation of this colleague, or to rectify
 - b. Rectify existing misjudgments of his or her merit performance and make adjustments to correct any associated salary inequity decision.
- E. The faculty member may respond in writing to this report and advice within 21 calendar days to the department chair (or dean) and committee (unless upon the faculty member's request and for good cause the response period is extended by the chair or dean).
- F. Upon receipt of Tthe committee's report and advice, the faculty member's written response (if any), the response by the chair, and any agreement reached by (or dean in an undepartmentalized school or college) shall meet with the faculty member and. Where the committee report reaffirms the unsatisfactory performance of the faculty member, this meeting shall serve to inform the faculty member of standard conduct violations, including but not limited to incompetence or neglect of duty as appropriate, and fulfill the requirements of Sections 25-71 B. If a mutually agreed upon plan to

address the unsatisfactory performance cannot be finalized, the chair shall be incorporated into a written report refer the matter to the dean for review.

- G. If the dean determines that the performance concerns are of sufficient seriousness to justify consideration of the filing of a formal statement of charges, the provisions of Section 25-71 D shall next be followed.

Section 24-70 Faculty Salary Policy and Procedures

Section 24-71 24-70 Faculty Salary System: Policy and Principles

- A. ~~Faculty at the University of Washington shall be salaried on a merit-based system that reflects the University's standing among its peer institutions. Under this system, all faculty deemed meritorious shall be regularly rewarded for their contributions to their department, school/college, and university. Resources permitting, the University shall provide its meritorious faculty with salaries commensurate with those of their peers elsewhere.~~

The fundamental purpose of the University of Washington Faculty Salary Policy is to allow the University to recruit, retain, motivate, and reward the best faculty. To accomplish these objectives, the faculty must have confidence that their continuing and productive contributions to the goals of their units and to the University's missions of teaching, research, and service will be rewarded throughout their careers. To compete for the best faculty, the University must be competitive with its peers. To retain the best faculty requires a similarly competitive approach. Therefore, the University places as one of its highest priorities rewarding faculty who perform to the highest standards and who continue to do so throughout their appointments at the University. This policy is designed to provide for a predictable salary progression for faculty members whose performance continues to reflect achievement in scholarship and research, teaching, and/or service, commensurate with the expectation for faculty members with a given rank and title in their appointing unit, as fully described below.

Salary funds must be used to attract, retain, and reward faculty, while recognizing that disciplinary variations exist in the academic marketplace. Accordingly, the University's Salary Policy must allow for differential allocations among units. This provides the necessary flexibility to address the market gaps that develop between UW units and their recognized peers, acknowledges existing and future differentials in unit performance and contribution, and also recognizes that differing funding sources and reward structures exist among schools and colleges. The policy must ensure that equity considerations and compression are also addressed as needed. The University's Salary Policy is founded upon the principle that individual salary decisions must be based on performance reviews conducted by faculty colleagues.

- B. Advancement in salary can be effected in several distinct, but not mutually exclusive, ways. A salary increase:
1. Shall attend promotion in rank (approved in accord with Section 24-54), unless such increases are delayed as described in Subsection C below;
 2. Shall attend each tier advancement (approved in accord with Section 24-60), unless such increases are delayed as described in Subsection C below;
 3. Shall be provided as part of a market adjustment (in accord with Section 24-72), except as described in Subsection 24-72C or Subsection E below;
 4. May be provided as part of a variable adjustment (in accord with Section 24-73);
 5. Shall be provided to raise individuals' salaries to the minimum salary for each faculty rank (in accord with Section 24-74);
 6. May be offered in response to a potential or actual external offer of appointment (upon review in accord with Section 24-75).
 7. May be offered at any time to a faculty member with an administrator exemption as described in

Section 24-35 K).

8. Shall be considered at the time of reappointment, and may be offered at other times, for non-tier-eligible faculty members.

Section 24-72 24-74 Procedures for Allocating Salary Increases

- A. The President shall establish default formulas for the determination of salary increases to accompany promotions in rank and title; salary increases to accompany tier advancements; and market adjustments. These formulas shall remain in effect for all units in the university unless modified as described in Section B or C below.
- B. Any college, school, or campus may develop alternate formulas for the determination of salary increases to accompany tier advancements, and market adjustments. This is done using the following procedure.
 1. The dean or chancellor, in consultation with the elected faculty council, develops recommended formulas for market adjustments and tier advancement salary increases in the college. These formulas may be the same for all academic appointing units in the college, or they may differ by unit. The consultation should include detailed consideration of salaries in each affected unit of the college, school, or campus, as well as information about salaries in appropriate units at peer institutions. The recommendation shall specify to which units the formulas apply, when the formulas are to take effect, whether the formulas are to have an expiration date, and if so when. For any formula that has an expiration date, the formula will revert to the university default in effect at the time of expiration. If the formula does not apply to all units in the school, college, or campus, then the affected unit(s) shall vote and that vote shall be made known to the whole college as part of the material prepared in paragraph 2.
 2. The proposed formulas and the financial justification shall then be made available to the faculty of the school, college, or campus for comment for a period no less than 30 days, after which the voting faculty of the school, college, or campus shall vote to approve or deny the proposed change according to the procedures described in Chapter 23, section 23-46. All voting must be completed at least three months prior to the proposed effective date of the change.
 3. If the result of the faculty vote is to approve the proposed formulas, the proposal is sent to the provost and the Senate Committee on Planning and Budgeting, together with the justifying financial data and the result of the faculty vote.
 4. After consulting with the SCPB the provost may, within 14 days after receiving the proposed formulas, veto the proposed change for reasons of financial feasibility or equity, and shall provide in writing the explanation for the veto.
- C. If at any time, distributing salary increases according to the formulas established in accordance with subsection A would, in the judgment of the President, impose financial hardship on the university, the President may change one or more of the formulas permanently or temporarily, or may temporarily delay tier advancement increases or rank promotion increases, or may extend a previously established delay, by following the procedure below.
 1. The Provost presents a recommendation for a new formula, or for a delay in tier advancement increases or rank promotion increases for a specified time, to the Senate Committee on Planning and Budgeting, together with detailed budgetary data to support the recommendation. The recommendation shall specify when the change is to take effect, whether the change is temporary or permanent, and if temporary for how long.
 2. The SCPB votes to endorse, reject, or modify the Provost's recommendation.

3. The Provost's recommendation and the result of the SCPB's vote are then made available to the faculty for comment for a period no less than 30 days.
4. The President then decides whether and how much to modify the salary formulas, or whether and how long to delay tier advancement increases or rank promotion increases, and reports the decision and its justification to the Faculty Senate.

If tier advancement increases and/or rank promotion increases are delayed, units may proceed to award tier advancements and rank promotions as usual, but the accompanying salary increases shall not be awarded until the delay period expires. At that time, faculty members who received tier advancements or rank promotions during the delay period shall receive non-retroactive salary increases according to the formula in effect at that time.

D. Promotion Raises

Each faculty member who receives a promotion in rank shall receive a salary increase, to be effective on the same date as the promotion, in an amount determined by the formula in effect on the date the promotion takes effect. Promotion raises can be delayed by following the procedures described in Subsection C.

E. Tier Advancement Raises

Each tier-eligible faculty member who receives a tier advancement shall receive a salary increase, to be effective on the same date as the tier advancement, in an amount determined by the formula in effect on the date the advancement takes effect. Tier advancement raises can be delayed by following the procedures described in Subsection C.

F. Salary Adjustments for Faculty with Administrator Exemptions

Salary adjustments may be offered at any time to a faculty member with an administrator exemption (as described in Section 24-35 K).

G. Non-tier Faculty Salary Adjustments:

Non-tier eligible faculty members shall be considered for a salary adjustment at the time of reappointment. In addition they may be considered for a salary adjustment at other times.

H. Market Adjustments

1. A market adjustment is a salary increase to mitigate the effects of general economic and price escalations in the region. A market adjustment formula, reflecting these escalations, shall be established by the President.
2. Except as provided in subsection C above or in subsection E of Section 24-70, each year every faculty member (whether tier eligible or not) who has deemed to be performing satisfactorily in their last collegial performance review shall receive a market adjustment determined by the market adjustment formula.
3. If, in any given year, the market adjustment formula would produce a market adjustment that is zero or negative, no market adjustment shall be given.

I. Variable Adjustments

1. Variable adjustments are salary increases used to partially or wholly correct inappropriate salary differences. Typical uses for variable adjustments include, but are not limited to, the following:

- a. To address salary compression or inversion within a unit;
 - b. To address a "salary gap" between a unit and its academic peers inside or outside the university;
 - c. To correct inappropriate salary differences among individual faculty members whose accomplishments and career stages are comparable;
 - d. To provide an additional increase to all satisfactorily performing faculty at a time when the market adjustment is not sufficient to keep pace with average salary advances at peer institutions.
2. In any given year, after consulting with the elected faculty council and department chairs, a dean may propose the allocation of certain funds for variable adjustments in a college or school and may propose such requirements, conditions, and limitations on their distribution as he or she deems appropriate. The consultation with the elected faculty council shall include making available to the council detailed information about salaries in each unit of the college, or school, as well as information about salaries in appropriate units at peer institutions.
 3. The Provost, after consulting with the Senate Committee on Planning and Budgeting, may authorize or deny the variable adjustment allocation proposed by a given college, school, or college, or may modify it or make it subject to such requirements, conditions, and limitations as he or she deems appropriate.
 4. Variable adjustment funds need not be distributed as equal percentages to all units, or to all individuals within a unit.
 5. If variable adjustments are authorized in a department or an undepartmentalized school or college, the voting faculty members of the unit shall vote on the procedure and principles to be applied in distributing the funds consistent with the purpose of the allocation described in paragraph 2 above. This may include delegating the distribution to a committee appointed by the chair, or to the chair. This policy must be renewed or amended by the voting faculty in each year during which variable adjustments are authorized for the unit.
 6. A new collegial performance review is not required for the awarding of a variable adjustment. However, a faculty member whose performance was found to be unsatisfactory in his or her last collegial performance review is not eligible for a variable adjustment.

J. Minimum Salaries

Every two years, the Provost shall, after consultation with the Senate Committee on Planning and Budgeting, determine the minimum salary for each faculty rank. This determination shall take account of the recent salaries of beginning assistant professors at the University of Washington, and shall endeavor to reflect in the floors for other ranks the general expectation of salary advancement for faculty.

K. Retention Increases

~~To~~A department chair (or dean in an underpartmentalized college) may at any time propose a salary increase to retain a current faculty member, based on subject to the recommendation approval of the dean. Prior to preparing a response, the dean shall first consult with the unit's chair. The voting faculty of each academic unit shall be provided the opportunity to cast an advisory vote on the recommend an appropriate response; alternatively, the voting faculty may establish, consistent with

the procedures of (Chapter 23, Section 23-45, Subsection B) a different policy regarding the level of consultation they deem necessary before a competitive salary offer may be made. This policy shall be recorded with the dean's office of the appropriate unit and a copy forwarded to the Secretary of the Faculty. The faculty shall vote whether to affirm or amend this policy biennially. Any retention salary increase should ordinarily be accompanied by one or more tier advancements commensurate with the tier raise formula then in effect.

Section 24-73 Transition to the New Salary Policy

New temporary section.

- A. Once the new faculty salary policy has been approved by the faculty and signed by the president, the President shall establish a Transition Period, to start no later than the beginning of Autumn Quarter of the second academic year after the academic year during which the President signs the enabling legislation. This timeline may be extended for up to one year by the President with the consent of SCPB. In this section, the following terms are used:
1. The Pre-Transition Period is the period from the time the new salary policy is signed by the president until the start of the Transition Period.
 2. The Transition Period begins on a date determined by the president, and ends at the start of the next Autumn Quarter after that.
 3. The Implementation Date of the new salary policy is the beginning of the next Autumn Quarter following the start of the Transition Period; and the Implementation Year is the academic year starting on the Implementation Date.
- B. The university's faculty salary policy shall be governed as follows:
1. During the Pre-Transition Period, faculty salaries shall be governed by the Pre-Transition Salary Policy, described in Sections 24-74 through 24-76 below. During the Pre-Transition Period, there shall be no Market Adjustments, no Tier Advancements or Tier Raises, and no Variable Adjustments.
 2. During the Transition Period, faculty salaries shall be governed by the Transition Salary Policy, described in Section 24-77 below.
 3. Starting from the Implementation Date of the new salary policy, Sections 24-73 through 24-77 shall be deleted from the Faculty Code and shall cease to be effective, and the salary policy shall be governed by the remaining provisions of Chapter 24 of the Faculty Code.

Section 24-74 24-55 Pre-Transition Procedure for Salary Increases Based Upon Merit

Faculty at the University of Washington shall be reviewed annually by their colleagues, according to the procedures detailed in this section, to evaluate their merit and to arrive at a recommendation for an appropriate merit salary increase. Such reviews shall consider the faculty member's cumulative record, including contributions to research/scholarship, teaching, and service, and their impact on the department, school/college, University, and appropriate regional, national, and international communities.

The evaluation of a faculty member's merit and salary shall be arrived at after review of the individual's performance in relation to that of their colleagues and by comparison of individuals' present salaries to those of their peers. In evaluating a faculty member's eligibility for merit-based salary increases (Section

24–70, Subsections B.1 and B.4; Section 24–71, Subsections A.1 and B.1) and for "market gap" salary increases (Section 24–71, Subsection B.2), the following procedure shall be followed.

- A. In arriving at their recommendations for salary decisions the appropriate faculty, department (unit) chairs, and deans shall each consider the following:
1. The cumulative record of the candidate, taking into account the qualifications prescribed in Sections 24–32, 24–33, 24–34, and 24–35 for the various academic ranks and titles;
 2. The candidate's current salary;
 3. Documentation of the review conference required by Section 24–57, Subsection D; and
 4. Any documents produced under Subsection H of this section.

Salary recommendations shall seek to minimize salary inequities. Salary compression and other inequities, including those resulting from variations in the level of merit funds available over time, may be considered in making merit salary recommendations.

- B. The merit and salary of each faculty member below the rank and title of professor shall be considered by the voting members of the department, or undepartmentalized college or school, who are his or her superiors in academic rank and title, and they shall recommend any salary increase which they deem merited.
- C. The chair of a department, or the dean of an undepartmentalized school/college, shall consider the merit and salary of each full professor in his or her unit. Before forwarding his or her recommendations the chair (or dean in an undepartmentalized school/college) shall seek the advice of the full professors according to a procedure approved by the voting members of the unit.
- D. If the recommendation is a departmental one, the chair shall transmit it to the dean with any supporting data the dean may request. If the chair does not concur in the recommendations he or she may also submit a separate recommendation.
- E. The dean shall review the department's recommendation and forward his or her recommendation regarding faculty merit and salary to the President.
- F. The dean of each college/school shall review the record and salary of the chair of each department and shall recommend an appropriate salary increase to the President.
- G. The President shall authorize the salary increases of the faculty, and of each dean.
- H. At the option of the faculty member affected, and mandatorily in the event of two consecutive annual ratings of no merit (as a result of reviews under this section), the chair of the faculty member's department (or dean of an undepartmentalized school or college) shall, after consultation with the faculty member, appoint an ad hoc committee of department (or school/college) faculty superior (or, in the case of full professors, equal) in rank or title to the faculty member. This committee shall meet at its earliest convenience with the faculty member and review more fully the record and merit of that faculty member.

The committee shall, upon completion of its review, report in writing the results to the faculty member and to his or her department chair (or dean in an undepartmentalized school/college) and the committee shall advise them what actions, if any, should be undertaken to enhance the contributions and improve the merit ranking of this colleague, or to rectify existing misjudgments of his or her merit and make adjustments to correct any salary inequity. The faculty member may respond in writing to this report and advice within 21 calendar days to the department chair (or dean) and committee (unless upon the faculty member's request and for good cause the response period is extended by the chair or dean). The committee's report and advice, the faculty member's written response (if any),

the response by the chair, and any agreement reached by the faculty member and the chair shall be incorporated into a written report.

Section 24-75 24-70 Pre-Transition Faculty Salary System: Policy and Principles

- A. Faculty at the University of Washington shall be salaried on a merit-based system that reflects the University's standing among its peer institutions. Under this system, all faculty deemed meritorious shall be regularly rewarded for their contributions to their department, school/college, and university. Resources permitting, the University shall provide its meritorious faculty with salaries commensurate with those of their peers elsewhere.
- B. Advancement in salary can be effected in several distinct, but not mutually exclusive, ways. A salary increase:
1. Shall be granted to provide an initial minimum equal-percentage salary increase to all faculty following a successful merit review (conducted in accord with procedures of Section 24-55);
 2. Shall attend, in addition to awards under Subsection B.1 above, promotion in rank (approved in accord with Section 24-54);
 3. Shall be awarded to raise individuals' salaries to the minimum salary for each faculty rank (in accord with Section 24-71, Subsection A.3 below);
 4. May be awarded as an additional merit salary increase beyond that available under Subsection B.1 (following review procedures of Section 24-55);
 5. May be awarded as a result of unit-level adjustment (in accord with Section 24-71, Subsection B.2 below);
 6. May be offered in response to a potential or actual external offer of appointment (upon review in accord with Section 24-71, Subsection B.3 below); and
 7. May be allocated as a University-wide increase in the faculty salary base that shall be distributed in equal dollar amounts or equal percentage salary increases to all meritorious faculty.

Section 24-76 24-71 Pre-Transition Procedures for Allocating Salary Increases

- A. The Provost shall consult with the Senate Committee on Planning and Budgeting and, each biennium, shall subsequently recommend to the President the allocation of available funds for salary increases, for distribution among all categories listed in Section 24-70, Subsection B. The President shall make the final decision on these allocations and shall report the decision to the Faculty Senate.
1. This allocation shall each year make available funds to provide an initial minimum equal-percentage salary increase to all faculty deemed meritorious under Section 24-55.
 2. This allocation shall each year make available funds to provide salary increases to all faculty awarded promotions approved in accord with Section 24-54.
 3. Every two years, the Provost shall, after consultation with the Senate Committee on Planning and Budgeting, determine the minimum salary for each faculty rank. This determination shall take account of the recent salaries of beginning assistant professors at the University of Washington, and shall endeavor to reflect in the floors for other ranks the general expectation of salary advancement for faculty.
- B. The Provost may distribute, in the course of a biennium, funds allocated by the President:
1. To provide additional merit salary increases (beyond those awarded under Subsection A.1). This allocation shall be distributed as equal-percentage increases to all units to fund merit increases for faculty (in accord with Section 24-55).
 2. To address the market "gap" of an individual unit. Allocation of such funds to units shall follow

close consideration of individual units and consultation with the Senate Committee on Planning and Budgeting. The Provost shall periodically gather updates on salary information from appropriate sources, including unit heads, and shall make those findings available to the faculty. The department chair (or dean in an undepartmentalized school/college) shall consult with the unit's voting faculty who are senior (or, in the case of full professors, equal) in rank—or the unit's designated faculty committee(s)—about the appropriate distribution of these funds; and

3. To retain a current faculty member, based on the recommendation of the dean. Prior to preparing a response, the dean shall first consult with the unit's chair. The faculty of each academic unit shall be provided the opportunity to cast an advisory vote on the appropriate response; alternatively, the faculty may establish, consistent with the procedures of Chapter 23, Section 23–45, a different policy regarding the level of consultation they deem necessary before a competitive salary offer may be made. This policy shall be recorded with the dean's office of the appropriate unit and a copy forwarded to the Secretary of the Faculty. The faculty shall vote whether to affirm or amend this policy biennially.

- C. The deans of the schools and colleges shall, after consultation with their elected faculty councils (Chapter 23, Section 23–45, Subsection B), allocate to the faculty of the constituent units of their school/college, all funds made available to provide salary increases under Section 24–70, Subsection B. Distribution of these awards to individual faculty shall be carried out following the requisite procedures of Chapter 24.

Section 24-77 Transition Period Salary Policy

New temporary section.

During the Transition Period:

1. There will be no market adjustments.
2. There will be no tier advancement raises.
3. Meritorious faculty may receive Transition Raises as described below.
4. A faculty member promoted to a new rank or title during the transition period will receive their promotion raise at the start of the implementation year.
5. Each faculty member shall submit a yearly activity report as described in 24-61 B.
6. A planning conference may be initiated as described in 24-61 C.
7. A collegial performance review following the procedures in described in 24-62 shall be initiated for any individual faculty member if requested by the chair, dean, or his or her designee or the faculty member, or if it is time to decide upon renewal of a non-tenure appointment, with the caveat that tier advancements are not possible during the transition period.
8. If a collegial review is carried out during the Transition Period, then eligibility for a transition raise is determined by whether the review results in a finding of satisfactory or unsatisfactory performance.
9. An appointment renewal may proceed as described in 24-43.
10. A variable adjustment may be granted as described in 24-72 G.
11. A retention raise may be granted as described in 24-72 I.
12. And the minimum salary may be determined as described in 24-72 H.

A. Assignment of Initial Tiers

During the Transition Period, each tier-eligible faculty member shall be assigned an initial tier, which will become the person's tier as of the Implementation Date of the new salary policy. The following is designed to assign each individual to an initial tier that is, as far as practicable, commensurate with the individual's career stage, accomplishments, and current salary.

There will be no tier advancements during the Transition Period. The assignment of an initial tier, in itself, has no effect on any individual's salary.

For all tier-eligible continuing faculty members except Lecturers, Artists in Residence, and Assistant Professors, two integer values shall be calculated:

1. Career-based tier, determined by taking the number of years at current rank (including the Transition Period) and dividing by four, discarding any fractional remainder, and adding 1. If the faculty member is promoted during the transition period his or her career based tier shall be 1.
2. Salary-based tier, determined by comparing the current salary of each current faculty member to a salary schedule created for the individual's primary appointing unit, and choosing the tier at the individual's current rank which has a corresponding salary closest to the individual's actual salary.

When computing the current salary for this purpose all raises awarded during the transition period shall be included except transition raises described in subsection C (below).

The salary schedules to be used in calculating the salary-based tier will be created by the Office of Planning and Budgeting in consultation with the Provost, SCPB, deans, and chairs.

Once the career-based and salary-based tiers have been calculated, each individual's initial tier shall be assigned as follows (subject to the exceptions noted below):

1. If the two calculated tiers are equal, that becomes the individual's initial tier.
2. If the salary-based tier is higher than the career-based tier, the salary-based tier becomes the individual's initial tier.
3. If the salary-based tier is lower than the career-based tier, the individual may choose any initial tier no lower than the salary-based tier and no higher than the career-based tier.

Exception 1: No Professor shall have an initial tier of 7 or higher. If either the salary-based tier or career-based tier would be 7 or higher according to the above instructions, that calculated tier will be replaced by Tier 6 for the purposes of this assignment.

Exception 2: Except for Assistant Professors, no faculty member shall be required to begin at the highest tier for their rank, or at Professor 6. Thus if an individual's salary-based tier is higher than the appropriate tier in the following list, the individual shall have the option of choosing an initial tier no lower than the tier in this list:

- Associate Professor 2
- Professor 5
- Senior Lecturer 2
- Senior Artist in Residence 2
- Principal Lecturer 5

For tier-eligible Lecturers and Artists in Residence: The initial tier shall be 1.

For tier-eligible Assistant Professors, the initial tiers will be determined by whether they will be in their first or second appointment during the Implementation Year of the new salary policy:

- If the Implementation Year occurs during the initial three-year appointment or a terminal fourth year, the initial tier shall be Assistant Professor 1.

- If the Implementation Year occurs during the second three-year appointment or a terminal seventh year, the initial tier shall be Assistant Professor 2.
- In no event shall the assignment of a tier be construed as the conferral or denial of tenure or promotion.

B. Assignment of Next Mandatory Collegial Review

All faculty member will be assigned a time for next mandatory collegial review.

For Assistant Professors the next mandatory collegial review year shall be determined based on the dates of mandatory considering for renewal or promotion.

For everyone other than tenured faculty and WOT faculty (as defined in 24-24 B) the next mandatory collegial review year shall coincide with the next mandatory consideration for reappointment or the 4th year after the transition year, whichever is first.

For tenured and WOT (as defined in 24-34 B) associate and full professors, the next mandatory collegial review year shall be computed as follows: Starting one full year before the first Autumn Quarter during which the individual's last appointment or promotion became effective (including any appointment or promotion awarded during the transition period), determine the least multiple of four years from that date that occurs on or after the implementation date. The individual's next mandatory collegial review shall occur during the academic year starting at that time.

C. Transition Raises

During the Transition Period, there will be no tier raises and no market adjustments. Instead, each tier-eligible faculty member who was declared meritorious in his or her last merit evaluation (except for faculty who receive promotions or new appointments that would take effect at the beginning of the implementation year), shall receive a transition raise to take effect no later than the beginning of the implementation year.

For a faculty member who is eligible for a transition raise, a new collegial review is not required in order to receive a transition raise. However, a collegial performance review following the procedures of Section 24-60 of the revised Faculty Code shall be initiated for any individual faculty member if requested by the chair, dean, or his or her designee or the faculty member; or if it is time to decide upon renewal of a nontenure appointment. Such a review may be used, for example, to determine satisfactory or unsatisfactory performance, or to consider recommending a faculty member for a possible promotion in rank, or to provide evidence for distribution of Variable Adjustments if they are available. If a collegial review is carried out during the Transition Period, then eligibility for a transition raise is determined by whether the review results in a finding of satisfactory or unsatisfactory performance.

For each individual eligible for a transition raise, the amount of the raise shall be determined by his or her next mandatory review year.

Default Plan: For each unit that does not choose to use the Alternative Plan described below, the transition raises shall be as follows:

- For those whose mandatory review year is the Implementation Year, the transition raise is 2%.
- For those whose mandatory review year is one year after the Implementation Year, the transition raise is 4%.

- For those whose mandatory review year is two years after the Implementation Year, the transition raise is 6%.
- For those whose mandatory review year is three years after the Implementation Year, the transition raise is 8%.

In each case, the percentage above is a percentage of the individual's salary if that salary is less than or equal to the average UW full professor's salary during the Transition Period; otherwise it is a percentage of that average salary.

Under the Default Plan, there will be Variable Adjustments only if allocated by the college, school, or campus and approved by the provost, in accord with Section 24-73 of the revised Faculty Code

Alternative Plan: By vote of a majority of its eligible voting faculty, a department or an undepartmentalized college may choose to use the following Alternative Plan. Such a decision must be reported to the Dean.

- For those whose mandatory review year is the Implementation Year, the transition raise is 1.5%.
- For those whose mandatory review year is one year after the Implementation Year, the transition raise is 3%.
- For those whose mandatory review year is two years after the Implementation Year, the transition raise is 4.5%.
- For those whose mandatory review year is three years after the Implementation Year, the transition raise is 6%.

In each case, the percentage above is a percentage of the individual's salary if that salary is less than or equal to the average UW full professor's salary during the Transition Period; otherwise it is a percentage of that average salary.

Under the Alternative Plan, 1.25% of the continuing faculty salary pool shall be available to the unit for Variable Adjustments, in addition to any amount allocated for Variable Adjustments by the college, school, or campus and approved by the provost. All Variable Adjustments shall be distributed in accord with Section 24-73 of the revised Faculty Code.

Section 24-80 Resignation, Separation, or Change of Appointment

Section 24-81 24-56 Procedure for Resignations

- A faculty member has a professional obligation to give a written notice of resignation at the earliest possible opportunity. Normally such resignations should be given at least three months prior to the termination date, or within 15 days of notification of terms of a reappointment, whichever occurs later, and should ordinarily become effective at the end of an academic year.
- If the faculty member resigns orally, then the dean shall attempt to obtain a written resignation. If this is not forthcoming sooner, no later than 15 days after the purported oral resignation the dean shall send by certified mail to the faculty member's last known home address, and at the same time send by delivery or campus mail to the faculty member's campus address, a letter stating his or her understanding that the faculty member has resigned. If, within 30 days after the dean mailed and sent this letter, the faculty member notifies the dean in writing that he or she denies a resignation took

place, none shall be deemed to have occurred. Otherwise, the faculty member shall be deemed to have resigned.

Section 24-82 25-51 Grounds for Removal of Persons with Tenure for Cause

A faculty member having tenure under the provisions of this chapter may be removed for cause from his or her position or subjected to reduction of salary only for one or more of the following reasons:

- A. Incompetence.
- B. Neglect of duty.
- C. Physical or mental incapacity to perform academic duties.
- D. Unlawful discrimination or sexual harassment (see Executive Order No. 31).
- E. Scientific and scholarly misconduct, consisting of intentional misrepresentation of credentials, falsification of data, plagiarism, abuse of confidentiality, or deliberate violation of regulations applicable to research (see Executive Order No. 61).
- F. Conviction of a felony.
- G. Intentional and malicious interference with the scientific, scholarly, and academic activities of others. To warrant a removal for cause or reduction of salary, conduct falling within these categories must in a substantial way adversely affect the faculty member's or the victim's academic, scholarly, or professional ability to carry out his or her University responsibilities.

Section 24-83 25-52 Removal of Faculty for Reasons of Program Elimination

- A. The removal of tenured faculty, or the removal of non-tenured faculty prior to the end of a specified term of appointment, may be effected upon program elimination within the University. Such removals shall be termed "Removal for Reasons of Program Elimination."
- B. Removal for reasons of program elimination may be effected only in conformance with procedures set forth in Chapter 26, Section 26-41, Procedures for Reorganization, Consolidation, and Elimination of Programs, and the provisions of this section.
- C. Notification
 - 1. Each faculty member proposed by the dean for removal for reasons of program elimination shall be so notified in writing by the dean pursuant to Chapter 26, Section 26-41, Subsection B.2.h.
 - 2. When the President's decision to eliminate a program becomes final pursuant to Chapter 26, Section 26-41, Subsection B.6, and the subsequent decision is made as to which faculty members notified under this subsection are to be removed, each faculty member to be removed for reason of program elimination shall be notified in writing by the dean and the effective date of such removal shall be stated. The dean shall deliver a copy of this notification contemporaneously to the chair of the Adjudication Panel (Chapter 28.) No faculty member shall be removed for reason of program elimination prior to the end of the academic year following the one in which a final decision is transmitted to the faculty member.
- D. Appeal

Each faculty member notified of removal for reason of program elimination may engage in the administrative and conciliatory proceedings of Chapter 27. He or she may deliver an appeal to the chair of the Adjudication Panel and to the Secretary of the Faculty as provided in Chapter 28, in which case a Hearing Committee shall determine whether the faculty member was properly identified as a member of the program eliminated; whether the procedures in this section were followed; whether the decision to remove the faculty member was reasonable; and, if the faculty member so alleges, whether he or she was unlawfully discriminated against because of race,

religion, color, sex, national origin, age, handicap, sexual orientation, or status as a disabled or Vietnam era veteran.

E. Placement in Another Unit

The University shall make every reasonable effort to place faculty members notified of removal for reason of program elimination in other University employment for which they are qualified with comparable terms of employment. Priority in such employment shall be given to the faculty member in accordance with University and state employment procedures. In addition to the required notification period, special assignments with pay may be provided to enable the faculty member to prepare for changed employment responsibilities.

F. Reinstatement

In the event that the academic program which has been eliminated is reinstated within a period of five years, new positions shall not be filled through normal appointment search procedures until removed faculty members qualified for the position have been offered reappointment on terms at least comparable to terms which applied to the position previously held. Such removed faculty members shall be given 30 calendar days to accept or decline an offer of reinstatement.

Section 24-84-25-53 Necessity for Hearings in Tenure Proceedings

No faculty member having tenure as defined in this chapter shall be removed from his or her position or subjected to discriminatory reduction of salary until she or he has been given opportunity for a full review and hearing as provided in Sections 25-62, 25-71, or Chapter 26, Section 26-31 as applicable to the case, and in Chapter 28.

Section 24-85-25-62 Proceedings for the Resolution of Differences

The policies and procedures detailed in Chapters 24, 25, and 26 are intended to ensure academic freedom and to protect the rights of the individual to careful consideration of his or her merits, and also to enhance the ability of the University and its academic units to select and maintain a faculty of the highest quality possible. Occasions may arise in which a faculty member may state that his or her academic freedom or employment rights were or will be impaired if some action or inaction of his or her academic unit or of the University as a whole is permitted, as well as occasions where the University may proceed against a faculty member. A faculty member facing such action or inaction may wish to contest the administrative behavior in question. Such a person is entitled to use the following proceedings: administrative (Chapter 27, Section 27-31), conciliatory (Chapter 27, Section 27-41), and adjudicative (Chapter 28). The University Ombud is available for consultation and advice. Cases subject to these proceedings may include allegations of unlawful discrimination because of race, religion, color, sex, national origin, age, handicap, sexual orientation, or status as a disabled or Vietnam era veteran. These proceedings serve to protect the rights both of the individual concerned and the University. In a larger sense they fulfill an important role in protecting the academic profession from infringement of the prerogatives necessary for its proper functioning; and by the same token they protect these rights and the status of the academic profession in our society by assuring that the prerogatives are not demeaned through misuse as a shelter for incompetence or neglect of duty.

Section 24-86 25-63 Dismissal of a Nontenured Faculty Member

A nontenured faculty member may be dismissed prior to the expiration of the period for which she or he was appointed for the grounds stated in Section 25-51, and in such cases the procedure described in Section 25-71 shall be followed, or for reasons of program elimination, and in such cases the procedure

described in Section 25-52 shall be followed; or for reasons of financial emergency, in which cases the procedure described in Chapter 26, Section 26-31 shall be followed.

Section 24-87 25-64 Discriminatory Reduction in Pay or Improper Non-Reappointment

- A. In a case in which a tenured or non-tenured faculty member alleges that he or she has suffered discriminatory reduction in pay, or in which a non-tenured faculty member alleges violation of the Faculty Code in connection with his or her non-reappointment, including denial of tenure, the faculty member making the allegation may engage in the administrative and conciliatory proceedings of Chapter 27. He or she may file a petition for review with the Chair of the Adjudication Panel and the Secretary of the Faculty, in which case the procedures set forth in Chapter 28 shall be followed. The petition for review may include allegations of unlawful discrimination because of race, religion, color, sex, national origin, age, handicap, sexual orientation, or status as a disabled or Vietnam era veteran.
- B. The procedures set forth in Section 25-62 shall be followed. The burden of proof shall rest with the faculty member making the allegation.

Approved by:
Faculty Council on Faculty Affairs
November 3, 2015

Approved by:
Senate Executive Committee
November 16, 2015

Approved by:
Faculty Senate
December 10, 2015

University of Washington

Presidential Orders

DRAFT

Executive Order

No. 61

Research Misconduct Proceedings

1. Introduction

A. Overview

The primary mission of the University of Washington is the preservation, advancement, and dissemination of knowledge. The University strives to create an environment of academic freedom and integrity in which research flourishes and the results of that research are accurately reported so they can be relied upon by others. The University expects individuals to exercise integrity in carrying out research activities. Responsibility for maintaining research integrity is borne by those persons who are directly involved in research at the University, as well as by others in a position to ensure the integrity of research, including collaborators, principal investigators, and supervisors.

The University assumes primary responsibility for addressing complaints of research misconduct against its faculty, other academic personnel, students, and staff with respect to research carried out by them at or on behalf of the University. This responsibility exists regardless of funding or source of support.

B. Policy Interpretation

This policy is intended to satisfy the requirement that, as a condition of receiving federal funding, the University adopt and follow procedures for addressing allegations of research misconduct that comport with federal regulations. If there is a conflict between regulatory provisions governing research misconduct proceedings (whether they be the provisions of this policy or federal regulations) and the provisions of any other University policy or procedure, the terms of this policy and the relevant federal regulations shall govern in research misconduct proceedings.

This policy provides a general outline of the methods by which the University addresses research misconduct allegations. Departures from this policy are permitted if the University's Office for Research Misconduct Proceedings (ORMP) determines that the departure serves the policy's goals and is consistent with any applicable federal rules. ORMP shall provide the respondent with timely notice of any such departure.

C. Applicability

This policy applies to all University faculty, other academic personnel, students, and staff participating in University research on behalf of the University.

This policy only governs complaints of research misconduct, as the term research misconduct is defined in Section 2 of this policy. (Such research misconduct is considered to be a form of scientific or scholarly misconduct under *Faculty Code, Chapter 25, Section 25-*

51, Subsection E.) This policy does not apply to complaints of fiscal impropriety, violation of human or animal subject regulations, intentional misrepresentation of credentials, abuse of confidentiality, violation of regulations applicable to research, or conflicts of interest; or to authorship disputes among research collaborators, except to the extent that the facts giving rise to these excluded types of conduct independently constitute a basis for an allegation of research misconduct, as research misconduct is defined by this policy. When such an excluded type of complaint is made against faculty, where appropriate, it shall be addressed pursuant to *Faculty Code, Chapter 25, Section 25-71*, Subsections B, C, and D.3.

Also, this policy generally does not apply to complaints of misconduct relating to work undertaken in fulfillment of class assignments or course requirements. This policy does, however, apply to original research undertaken in the fulfillment of thesis or dissertation requirements for a graduate degree.

D. Allocation of Responsibilities Within the University

Because of both the importance of issues of research misconduct to the operations of the University and the significant expertise required to address such issues, the University has established an Office of Research Misconduct Proceedings (formerly known as the Office of Scholarly Integrity) within the Office of the Provost.

ORMP initiates and coordinates the University's handling of research misconduct allegations, in consultation and cooperation with the appropriate dean of the University (as the term "dean" is defined by this policy). ORMP assesses research misconduct complaints and, when appropriate, conducts an inquiry to determine whether an investigation is warranted. In the event of an investigation, ORMP assists the Advisory Committee, including providing advice on procedural matters. ORMP is not an advocate for either the complainant or the respondent.

ORMP also oversees the University's compliance with the research misconduct regulations established by the relevant funding agencies and is responsible for communicating with these agencies on behalf of the University. ORMP may seek such advice and expertise as it finds is necessary throughout a research misconduct proceeding.

The University of Washington Division of the Washington State Attorney General's Office (AGO) is responsible for acting as a legal advisor to the University in research misconduct proceedings. AGO does not represent either the complainant or the respondent.

The affected school, college, or campus is responsible for providing ORMP with such support as ORMP reasonably determines is necessary in a research misconduct proceeding, after ORMP consults with that school, college, or campus. This support may include the provision of subject matter or technical expertise. In the event that an investigation is required, the dean of the affected school, college, or campus is responsible for appointing an Advisory Committee to advise on the issue of research misconduct; the dean shall make the final research misconduct decision.

University faculty, other academic personnel, students, and staff are required to cooperate in research misconduct proceedings including, but not limited to, providing information, research records, and evidence in a timely manner. Failure to do so, or to appropriately

maintain the confidentiality of a research misconduct proceeding, may lead to disciplinary action.

If, in the course of a research misconduct proceeding, a concern (other than a research misconduct concern) is identified that is reasonably believed to require further action, the concern shall be communicated to the appropriate dean or other University entity for evaluation and action, as appropriate. The dean or other University entity shall consult with ORMP to minimize the effect of the concern on any pending research misconduct proceeding, and shall involve other institutional units, as needed, in addressing the concern.

During a research misconduct proceeding, the University, in consultation with ORMP where reasonable, is authorized to take such interim actions as are necessary and prudent to protect the public health and safety, research funds and equipment, and the integrity of the research process; to prevent potential or immediate health hazards; and to prevent and report any possible criminal violation.

2. Definitions

Advisory Committee-An Advisory Committee is an ad hoc University committee that conducts the research misconduct investigation and advises the dean on the research misconduct decision.

Allegation-An allegation is a specification of acts committed by a potential respondent that ORMP has determined might constitute research misconduct. During a research misconduct proceeding, the specifics of an allegation may change as a result of information gathered during the proceeding. The respondent shall be advised of any such change.

Complaint-A complaint is a report of activity that a complainant believes may constitute research misconduct.

Complainant-A complainant is the person who makes a complaint of research misconduct. Once the complaint is made and the necessary information has been provided to ORMP, the complainant's role in a research misconduct proceeding is the same as that of any other witness.

Conflict of Interest-A conflict of interest exists when a person participating in the research misconduct proceeding has a substantial connection or interest related to the complainant or respondent that might bias or otherwise threaten the integrity of the proceeding. This includes, but is not limited to, personal, professional, and financial conflicts of interest.

Dean-A dean is the dean of any school or college on the University's Seattle campus, or the chancellor of any other University campus. The term "dean" includes such dean or chancellor, the dean's or chancellor's designee, and the office of the dean or chancellor, as appropriate. "Dean" also shall refer to the official responsible for an administrative office to which an organized unit engaged in research activity reports (e.g., Vice Provost for Research).

Evidence-Evidence is any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that may assist in proving or disproving the research misconduct allegation. It includes not only traditional and electronic documents, but also tangible research material and equipment such as samples, slides, microscopes, and computers.

Expert—An expert is an individual with subject matter or technical expertise who advises and supports the University during a research misconduct proceeding. The University's representatives (e.g., ORMP, the Advisory Committee and the dean) are specifically authorized to consult such experts as they believe are needed.

Fabrication—Fabrication is making up data or results and recording or reporting them.

Falsification—Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Intentionally—A person acts intentionally when acting with the purpose of committing research misconduct.

Knowingly—A person acts knowingly when a person knows or reasonably should know that his or her action constitutes or will result in research misconduct.

Notice—Notice is a written communication served in person or sent to the last known street address, facsimile number, or email address of the addressee.

Notify—Notify is to provide notice.

Plagiarism—Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism generally is not considered to include:

- The reuse of a moderate amount of language to describe a commonly-used methodology, previous research or background information;
- The use of the same material by a researcher in more than one publication; or
- Disputes among current or former collaborators who participated jointly in the development or conduct of a research project.

This latter situation is considered to be an authorship dispute, rather than plagiarism.

Preponderance of the Evidence—A preponderance of the evidence is proof that leads to the conclusion that a fact is more probably true than not.

Recklessly—A person acts recklessly when the person knows of and disregards a substantial risk that his or her action will result in research misconduct and this disregard is a gross deviation from the actions of a reasonable person in the same situation.

Research—Research is a systematic analysis designed to develop or contribute to generalizable knowledge, including an investigation, experiment, study, evaluation, demonstration, or survey.

Research Misconduct—Research misconduct is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

Research Misconduct Proceeding—A research misconduct proceeding is the process by which the University handles a research misconduct complaint or allegation pursuant to this policy.

Research Record—The research record includes, but is not limited to, the record of data and results that embody the facts resulting from the research, as well as the record of methods and analysis that led to those data or results. The research record encompasses not only traditional and electronic documents, but also tangible research material and equipment such as samples, slides, and other evidence, as well as research proposals and presentations.

Respondent—A respondent generally is a member of the University faculty or other academic personnel, a student, or a staff member alleged to have committed research misconduct with respect to research conducted by that person at or on behalf of the University.

3. Standards

A. Requirements for a Finding of Research Misconduct

A finding of research misconduct requires—in addition to a conclusion that fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results has occurred—that:

- There be a significant departure from accepted practices of the relevant research community; and
- The misconduct be committed intentionally, knowingly, or recklessly; and
- The allegation be proven by a preponderance of the evidence.

B. Exclusions from Research Misconduct

Research misconduct does not include honest error or differences of opinion.

C. Time Limitations

This policy applies only to research misconduct occurring within the six years preceding the date ORMP receives a complaint of research misconduct, with the following exceptions:

1) Subsequent Use

If the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation has run, through the citation, republication or other use for the respondent's potential benefit of the research record that is alleged to have been fabricated, falsified, or plagiarized.

2) Health or Safety of Public

If the University, following consultation with any applicable funding agency, determines that the alleged misconduct, if it occurred, is having or could have a substantial adverse effect on the health or safety of the public.

D. Burden of Proof**A. University**

The University has the burden of determining whether the elements of research misconduct set forth in Section 3.A above have been established by a preponderance of the evidence.

B. Respondent

The respondent has the burden of proving, by a preponderance of the evidence, honest error or differences of opinion or any other affirmative defense. Due consideration shall be given to any admissible, credible evidence presented by the respondent.

E. Research Records as Evidence

The destruction of, absence of, or the respondent's failure to provide research records adequately documenting the questioned research may be considered as evidence of research misconduct where the University establishes, by a preponderance of the evidence, that both:

- The respondent had research records and intentionally, knowingly, or recklessly destroyed them; had the opportunity to maintain research records but did not do so; or maintained research records and failed to produce them in a timely manner; and
- The respondent's conduct constitutes a significant departure from the accepted practices of the relevant research community.

F. Procedural Concerns

The respondent must present any concern regarding procedure or process to ORMP in a timely manner before the dean issues the dean's decision. A concern regarding a conflict of interest must be raised within 14 days of the date when the respondent knew or should have known of that potential conflict of interest. A concern regarding any other procedure or process that occurred at any point up through the conclusion of the inquiry must be presented no later than the time for submission of the respondent's comments on the inquiry report, or 14 days from the date when the respondent knew or should have known of the concern, whichever is later. A concern regarding any procedure or process other than a conflict of interest that occurred during the investigation must be presented no later than the time for submission of the respondent's comments on the draft investigation report, or 14 days from the date when the respondent knew or should have known of the concern, whichever is later.

G. Extensions of Time

The timelines set forth in this policy may be extended by ORMP when deemed reasonable and necessary. If a funding agency has established a mandatory timeline for a research misconduct proceeding and that agency's approval is required before an extension of time can be granted, ORMP is responsible for seeking such an extension on behalf of the University. Any extension of time shall be documented in a writing that includes the reason for the extension. Notice of the extension shall be given to the respondent.

4. Confidentiality and Protections

A. Protections for Respondent and Others

A researcher's reputation is of paramount importance to a researcher's career, and serious consideration must be given before anyone takes action that has the potential to impair that reputation. Throughout the research misconduct proceeding, reasonable efforts shall be made to protect the identity and the reputation of the respondent, and the proceeding shall be handled in confidence, to the extent reasonably possible. Knowledge of the existence of a research misconduct proceeding and the identity of any participant in such a proceeding shall be limited, to the extent reasonably possible, to those who need to know in order to conduct a thorough, competent, objective, and fair research misconduct proceeding, or as otherwise required by state or federal law.

B. Protections for Complainant and Others

To the extent reasonably possible, the University shall honor a complainant's request that the complainant's identity in a research misconduct proceeding be kept confidential, recognizing that there may be situations where the research misconduct proceeding cannot go forward if the complainant is not identified. The University will not tolerate retaliation against complainants, witnesses, experts, Advisory Committee members, or others for their involvement in a research misconduct proceeding. The University shall take such reasonable and practical steps as it determines are warranted under the circumstances to protect or restore the position and reputation of any such person and to protect them from or address any retaliation that might result from their participation in a research misconduct proceeding. Individuals may choose to utilize the processes of the state of Washington whistleblower law (Chapter 42.40 RCW; see also Administrative Policy Statement 47.1) and secure the statutory protections thereunder in conjunction with this policy;

C. Protection of Research Subjects

To the extent required by state or federal law, the identity of any research subject and any other protected health information shall be kept confidential, with disclosure being limited to those who have a need to know in order to carry out the research misconduct proceeding.

D. Respondent's Right to Advisor

The respondent is entitled to utilize an advisor of the respondent's choosing throughout the research misconduct proceeding, which advisor may be present during the respondent's interview. This advisor shall be provided at the respondent's expense and may, for example, be a member of the University faculty or staff or a personal attorney, if the respondent so chooses. The advisor is required to abide by and honor the confidentiality requirements and protections set forth in this Section 4. The advisor has no right to directly participate in the proceeding (e.g., the advisor cannot directly address the Advisory Committee), but the respondent can consult with the advisor throughout the process. The respondent is required personally to participate fully in the research misconduct proceeding.

5. Receipt and Preliminary Assessment of Complaint

A. Receipt of Complaint

A complaint of research misconduct can be submitted to ORMP, or to an appropriate dean, department chair, or unit head, who then shall forward it to ORMP if the complaint appears to constitute a research misconduct allegation. A prospective complainant may discuss a concern with ORMP or with an appropriate dean, department chair, or unit head without submitting a complaint.

Written complaints are preferred, as they allow for a careful, considered, documented statement of the concern and the relevant facts. Upon receipt of a complaint, ORMP shall review the matter, including possible conflicts of interest, and take appropriate action as set forth in this policy.

B. Preliminary Assessment of Complaint

ORMP shall assess whether a complaint constitutes an allegation of research misconduct by determining whether:

- The described actions appear to fall within the definition of research misconduct; and
- The complaint is sufficiently credible, specific, and significant to both permit and warrant an inquiry.

In conducting its preliminary assessment, ORMP may talk to the complainant and others with knowledge of facts relevant to the complaint, but it is not required to do so. ORMP may seek such advice as is necessary, including the advice of the appropriate dean, during the preliminary assessment.

If ORMP determines that a complaint comprises a research misconduct allegation, ORMP shall inform the appropriate dean and, in consultation with the dean, shall initiate an inquiry into the allegation.

An allegation may involve overlapping or related concerns of falsification, fabrication, or plagiarism. When this occurs, ORMP may include these concerns in a single allegation or set them forth in separate allegations.

6. Inquiry

A. Overview of Inquiry and Standard

The purpose of the inquiry is to conduct an initial review of the allegation and the respondent's response, as well as other evidence as appropriate, to determine whether an investigation is warranted. An inquiry shall lead to an investigation if, after consultation with the dean, ORMP determines:

- There is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and

- Preliminary information-gathering and preliminary fact-finding from the inquiry indicate that the allegation has sufficient substance to warrant an investigation, or the available research record is inadequate to make such a determination so that a more detailed analysis is required.

ORMP's decision as to whether an investigation is warranted is final and is not subject to review.

B. Inquiry Process

1) Notification of Respondent

Absent extraordinary circumstances, ORMP shall inform the respondent that an allegation of research misconduct has been made against him or her, provide the respondent with a written summary of the allegation, and explain the process for addressing the allegation. ORMP shall make reasonable efforts to notify the respondent of the allegation in a face-to-face meeting, which generally will be attended by a representative of the dean's office.

Upon being notified of the allegation, the respondent shall provide ORMP with the respondent's current home and email addresses, and phone number. The respondent shall immediately advise ORMP in writing if this information changes at any time during the research misconduct proceeding.

2) Sequestration

On or before the date when the respondent is notified of the allegation by ORMP, ORMP shall take all reasonable and practical steps to appropriately sequester and preserve, in a secure manner, all potentially relevant research records and evidence, taking custody of and overseeing the inventory of this material. Where the research record or evidence encompasses scientific instruments, computer systems, or other equipment shared by multiple users, custody may be limited to copies of the data or evidence on such equipment, so long as those copies are substantially equivalent to the originals. At any point in the research misconduct proceeding, ORMP may undertake additional sequestrations, using the same procedure outlined here. ORMP may act through an agent when appropriate.

The affected school, college, or campus shall assist with the sequestration, providing information prior to the sequestration regarding the nature of the potential material involved and making personnel available with the necessary technical expertise to assist ORMP during the sequestration. This assistance may include inventorying the research records and evidence and providing for the storage of materials that require special handling, such as biological or chemical materials.

During the sequestration, the respondent shall be instructed by ORMP to provide all potentially relevant research records that relate to the allegation. The respondent must identify and arrange to immediately provide ORMP with all such records that could reasonably relate to the research that is the subject of the allegation, regardless of where the research records are located. The respondent has a continuing obligation to identify and provide such research records during the research

misconduct proceeding. To the extent that any research records are not identified at the time of the initial sequestration but, instead, are identified later in the research misconduct proceeding, the respondent must give a clear written explanation of the reason for this. Late submission of research records or questions regarding the authenticity of research records may undermine the credibility of the evidence and may be a basis for requiring an investigation.

ORMP or its agent shall retain the original research record. Where appropriate, the respondent shall be provided with copies of, or reasonable supervised access to the research record.

3) Response

Within 14 calendar days of receiving notice of the allegation from ORMP, the respondent shall provide ORMP with a detailed written response to the allegation, unless an extension of time has been granted. The response shall address the substance of the allegation in detail, specifically referencing any research records that support the response in order to allow ORMP to readily understand the respondent's position and the basis for it, and readily locate and consult the relevant portions of the records. In addition, the response shall clearly identify all relevant research records and explain how these records were created and their relevance to the allegation. The respondent shall provide those records that have not already been produced.

4) Certification Relating to Records

No later than ten calendar days after respondent's deadline for providing ORMP with an initial written response to the allegation, the respondent shall submit a signed certification to ORMP:

- Explaining all efforts that were made to locate all potentially relevant research records and evidence, including in this explanation the identity of all places where such records were located in the past, all places that were searched, and all places where such records were found;
- Declaring that all such research records that were located during this search have been provided to ORMP;
- Identifying and describing any such research records that cannot be located; and
- Providing a full and clear explanation of where and when the missing research records were created and stored, when they were last seen, and why they are missing.

5) Obligation of University Personnel to Provide Records

ORMP is specifically charged and authorized to take custody of all relevant research records and evidence from the files and laboratories of the respondent and other University faculty, academic personnel students, and staff. Such persons are

required to provide ORMP with all original data books, laboratory notes, and other records that ORMP believes are potentially relevant to a research misconduct proceeding; and submit to ORMP, upon request, the type of signed certification that is described in Section 6.B.4 above. If ORMP determines that providing such records may significantly disrupt the laboratory or research of an investigator, ORMP may arrange for a copy to be made for use by such an investigator. An investigator may be allowed access to the original material if ORMP determines such access can be provided while maintaining the integrity of the record.

6) Additional Allegations

If ORMP becomes aware of information during the course of the inquiry that-taking into account the information's credibility, specificity, and significance-gives rise to an additional allegation of research misconduct, that allegation may be added to the inquiry as appropriate. Absent extraordinary circumstances, ORMP shall inform the respondent in writing of the additional allegation and allow the respondent 14 calendar days to provide a detailed written response to it, following the procedure set forth in Section 6.B.3 above. ORMP can include the additional allegation in any current allegation, or it can be set forth in a separate allegation.

7) Scope of Inquiry

During the inquiry, ORMP has the discretion to talk to such witnesses and review such evidence as it believes is necessary to make the inquiry decision. However, ORMP is not obligated to conduct any such witness interviews or to perform an exhaustive review of all the evidence as part of the inquiry process.

C. Inquiry Report

The inquiry shall be completed within 60 calendar days after the respondent receives notice of the allegation, unless an extension of time has been granted. ORMP, after consulting with the dean, shall prepare an inquiry report that indicates whether an investigation is warranted. The report shall comply with the requirements of any applicable funding agency and generally will include the name and position of the respondent; the specific allegations of research misconduct that were considered; the identity of any federal support for the research at issue; the identity of the University and any federal policies and procedures under which the inquiry was conducted; a determination of whether the alleged research misconduct warrants an investigation; and the basis for any such determination.

The respondent shall be provided with a copy of the inquiry report and given ten days to submit written comments on it to ORMP. These comments shall be attached to the final inquiry report. ORMP also may, at its discretion, provide relevant portions of the inquiry report to the complainant for comment.

D. Inquiry Decision

ORMP shall notify the respondent and the dean regarding its decision and provide them with a copy of the inquiry report. ORMP may, as it deems appropriate, inform the complainant or others of the result of the inquiry.

When an investigation is found to be warranted, ORMP shall forward a copy of the final inquiry report to any applicable funding agency, if the agency so requires. Notice of the pending investigation also may be confidentially communicated by ORMP or the dean's office, as appropriate, to anyone that intends to publish or otherwise disseminate the results of the research to which the allegation relates.

If ORMP concludes that an investigation is not warranted, the respondent may request that the University take such reasonable and practical efforts as the University believes are appropriate to restore the respondent's reputation, if it has been damaged as a result of the research misconduct proceeding.

7. Investigation

A. Overview of Investigation

During the investigation, an Advisory Committee formally develops the factual record, examines that record, and makes an informed recommendation to the dean concerning whether the respondent engaged in research misconduct, applying the relevant standards set forth in Section 3 of this policy. The investigation process must begin within 30 calendar days after ORMP's issuance of the final inquiry report, unless an extension of time has been granted.

B. Investigation Process

1) Appointment of Advisory Committee

Upon issuance of the final inquiry report, the dean, in consultation with ORMP, shall select a proposed Advisory Committee. The Advisory Committee shall consist of at least three scholars who are not reasonably known to have any conflict of interest with the complainant or the respondent that would interfere with their service on the Advisory Committee, as determined by the dean in consultation with ORMP. At least two members of the Advisory Committee shall possess expertise that is determined by the dean to be relevant to the research or scholarship at issue in the allegation; and at least one member shall be a scholar from outside the department (or the undepartmentalized, school, college, campus, or other unit) appointing or employing the respondent.

The dean shall notify the respondent of the identity of the proposed Advisory Committee members. Within five calendar days of being advised of the identity of the proposed Advisory Committee, the respondent can object to the appointment of any Advisory Committee member on any grounds. The respondent shall notify the dean in writing of the objection and shall clearly state the basis for the objection, providing a copy of this objection to ORMP.

Thereafter, the dean, in consultation with ORMP, shall determine whether the respondent's objection sets forth a basis for declining to appoint the proposed member to the Advisory Committee. If the dean determines it is appropriate to select a different member for the Advisory Committee, the respondent shall be notified of this new selection and provided with the same opportunity to object as was provided with respect to the initially-proposed Advisory Committee members.

After appointing the Advisory Committee and consulting with ORMP about the content of the Committee's charge, the dean shall charge the Advisory Committee by way of a letter that outlines the research misconduct allegation and the Advisory Committee's responsibilities during the investigation. The respondent shall be provided with a copy of the dean's letter.

2) Role of Advisory Committee

The Advisory Committee shall review such records and evidence, interview such persons, and obtain such additional evidence as it believes is necessary to make an informed recommendation to the dean on the merits of the allegation. The persons interviewed shall include the respondent, the complainant, and any other available witness who has been reasonably identified as having pertinent information regarding any relevant aspect of the investigation, including witnesses identified by the respondent. Interviews shall be transcribed or recorded, and the transcript or recording shall be provided to the witness for correction and included in the record of the investigation.

3) Additional Issues

The Advisory Committee is expected to diligently pursue all significant issues and leads that are determined to be relevant to the investigation, including any evidence of additional instances of possible research misconduct. If the Advisory Committee becomes aware of information during the course of the investigation that taking into account the information's credibility, specificity, and significance gives rise to an additional possible allegation of research misconduct, the Advisory Committee shall ask the dean to determine whether the allegation should be added to the current investigation. The dean shall consult with ORMP when determining whether to add the allegation to the current investigation. If added, this allegation can be included in any current allegation, or it can be set forth in a separate allegation.

In the event that the dean instructs the Advisory Committee to add the allegation to the investigation, absent extraordinary circumstances, ORMP shall inform the respondent in writing of the additional allegation and allow the respondent 14 calendar days to provide a detailed written response to the allegation, with such response complying with the requirements of Section 6.B.3 of this policy. The respondent shall provide all relevant research records that have not yet been produced, and shall submit a signed certification about the records that relate to the additional allegation, in accordance with Section 6.B.4 of this policy.

4) Procedural Matters

The Advisory Committee shall operate in closed session. The dean's office of the school, college, or campus and ORMP shall provide assistance, as appropriate, to the Advisory Committee and act as a liaison between the Advisory Committee and the respondent, complainant, and witnesses. The Advisory Committee may request the assistance of ORMP and the dean's office during the Advisory Committee's deliberations and its preparation of the investigation report, but neither ORMP nor the dean's office shall participate in the Advisory Committee's deliberations or vote on whether research misconduct occurred.

C. Investigation Report

The Advisory Committee shall prepare and provide the respondent, through ORMP, a draft investigation report that includes the Advisory Committee's recommendation to the dean concerning whether research misconduct should be found. A separate recommendation shall be made for each allegation of research misconduct. The draft investigation report generally shall be accompanied by a copy of any evidence on which the report is based that has not already been provided to the respondent, or the respondent shall be given supervised access to this evidence.

Both the draft and the final investigation report shall comply with the requirements of any applicable funding agency and shall include:

- A description of the type of research misconduct alleged;
- The specific allegations of research misconduct that were considered;
- A description of any federal support for the research at issue;
- The identity of the University and any federal policies and procedures under which the investigation was conducted;
- The identity and a summary of the research records and evidence that were reviewed;
- The identity of any evidence taken into the University's custody but not reviewed;
- The Advisory Committee's recommended finding relative to each research misconduct allegation; and
- The rationale for each recommended finding, with appropriate references to the evidence.

For each allegation for which the Advisory Committee recommends a finding of research misconduct, the Committee shall include the following in its report:

- A statement of whether the research misconduct was found to constitute falsification, fabrication or plagiarism, and whether it was found to have been committed intentionally, knowingly or recklessly;
- A summary of the facts and the analysis supporting the Committee's recommendation, including a discussion of the merits of any reasonable explanation given by the respondent;
- The identity of funding for the research at issue;
- A discussion of whether any publications need to be corrected or retracted and, if so, which ones and in what regard;
- The identity of the person responsible for the misconduct; and

- A list of any current funding and known applications or proposals for funding that the respondent has pending.

The respondent shall be allowed 30 calendar days to review the draft report and provide written comments to ORMP, which comments will be immediately forwarded by ORMP to the Advisory Committee. The Advisory Committee shall consider these comments and address them in its final investigation report. The Advisory Committee, through ORMP, also may provide relevant portions of the draft investigation report to the complainant for comment. Any comments on this draft report shall be submitted by the complainant to ORMP for consideration by the Advisory Committee.

The final investigation report shall be issued within 120 calendar days of the initiation of the investigation, unless an extension of time has been granted. The respondent's comments and copies of recorded testimony and transcripts, where available, generally shall be attached to this final investigation report, as shall the complainant's comments, if any. Copies of the final investigation report shall be provided to the dean, the respondent, ORMP, and any applicable funding agency, if the agency so requires.

8. Decision

A. Overview of Dean's Decision

The dean determines whether the respondent engaged in research misconduct and whether corrective or disciplinary action is appropriate. The dean's decision is the final decision of the University with respect to whether research misconduct occurred. This research misconduct decision is not subject to review. Any review of the dean's research misconduct decision is limited to a determination or review of the appropriate disciplinary action and of any alleged material procedural error that was properly raised during the course of the research misconduct proceeding.

B. Decision-Making Process

In making the research misconduct decision, the dean shall consider the report of the Advisory Committee and the respondent's comments, as well as any other material the dean believes is relevant. At the respondent's request, the respondent may meet with the dean to present any information that the respondent believes is pertinent to the dean's decision.

Before reaching a final decision with respect to research misconduct, the dean shall meet with the Advisory Committee. If the dean is considering departing from the Advisory Committee's recommendation on whether research misconduct should be found, the dean shall explain to the Committee the reasons for the contemplated departure and obtain the Committee's input.

The dean then shall decide, for each allegation, whether the respondent engaged in research misconduct. This decision, along with its rationale, shall be documented in writing by the dean.

C. The Decision

1) No Finding of Research Misconduct

If the dean does not find that the respondent engaged in research misconduct, the research misconduct proceeding shall be closed. The dean shall decide, after consultation with the respondent, what actions, if any, need to be taken to restore the respondent's reputation, if it has been damaged as a result of the research misconduct proceeding. The dean then shall implement those actions as appropriate, including issuing a statement of exoneration if the dean believes this is required.

2) Finding of Research Misconduct

If the dean finds that the respondent engaged in research misconduct, the dean shall impose such corrective and/or disciplinary action as the dean finds appropriate, consistent with the provisions of this section of the policy. This may include a requirement that publications be corrected or retracted, a process which shall be overseen by the dean's office. Where the authority to impose disciplinary action rests elsewhere, the dean shall make such recommendation regarding disciplinary action as the dean believes is appropriate. The dean shall consult with ORMP during this process and may consult with others, as necessary.

In the event that further action is found to be warranted, how the dean proceeds depends upon the status of the respondent as follows:

- a) If the respondent is a faculty member, the dean shall act in accordance with the *Faculty Code* and any other applicable University policy or procedure.
- b) If the respondent is another type of University academic personnel, the dean shall act in accordance with the applicable University policies, procedures, and agreements.
- c) If the respondent is a professional staff member, classified staff member, or academic student employee, the dean shall act in accordance with the applicable professional staff, classified staff, or academic student employee rules and any other applicable University policy, procedure, or agreement.
- d) If the respondent is a student, the dean shall act in accordance with Chapter 478-120 WAC, Student Conduct Code for the University of Washington, and any other applicable University policy or procedure.

D. Notifications

Upon making a decision relative to research misconduct, the dean shall notify the respondent, the complainant, and ORMP of that decision, and may notify others if appropriate. Where research misconduct has been found, the respondent and ORMP shall be advised of any corrective or disciplinary action that has been or is being taken.

ORMP shall provide information relative to the research misconduct finding, including any pending and completed corrective or disciplinary actions relating to the respondent, to any

applicable funding agency, if the agency so requires, in accordance with that agency's requirements.

9. Admission or Settlement

ORMP and the dean can agree to close a research misconduct proceeding at the inquiry or investigation stage if the respondent admits to having engaged in research misconduct, a settlement has been reached between the University and the respondent, or for other good reason as determined by ORMP and the dean. Prior to agreeing to such a closure of the research misconduct proceeding, ORMP shall provide any applicable funding agency with notice, if such is required by the agency, and comply with any other applicable funding agency requirement.

10. Maintenance of the Record

ORMP and the dean shall collaborate in maintaining a record of the research misconduct proceeding. This record shall be retained consistent with University and applicable state and federal record retention requirements.

11. Additional Notification of Funding Agency

Additional notification of a funding agency, beyond that already set forth in this policy, shall be made by ORMP if the funding agency so requires and, in the case of a federal funding agency, if ORMP has reason to believe that any of the following exists:

- The health or safety of the public is at risk (including when there is an immediate need to protect human or animal subjects).
- Funding agency resources or interests are threatened.
- Research activities should be suspended.
- There is a reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research misconduct proceeding may be made public prematurely, so notification is needed in order to allow the funding agency or others to take appropriate steps to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

12. Ongoing Cooperation with Funding Agency

The University, and its faculty, other academic personnel, students, and staff are required to fully cooperate with the reasonable requests of any entity funding the research at issue throughout the research misconduct proceeding; and during any proceeding, oversight review, administrative hearing, or appeal provided for by the funding entity's process. This includes providing the funding entity with all relevant research records and evidence in the University's control, custody, or possession, and with access to all persons within the University's authority who are necessary to develop a complete record of relevant evidence.