

MINUTES OF THE FACULTY SENATE MEETING
301 Gowen Hall
2:30 p.m., Thursday, 30 November 2000

The meeting began at 2:33 p.m.

Report from the Senate Committee on Planning and Budgeting (Bradley Holt, Vice Chair)

The Committee is continuing to work on the budget. Specifically, they have started discussing the philosophy that should inform unit adjustments. Additionally, they are reviewing the re-configuration of a department.

Legislative Report (Jan Sjøvik, Deputy Faculty Legislative Representative)

Although the election results are not yet resolved, the presumption is that there is a tie in the House and a one vote democratic majority in the Senate. Problems are caused, however, by the passage of several initiatives that commit revenue expenditures as well as the pre-existing requirements of I-601. These will present real challenges for getting a favorable budget.

Report of the President

Because of the anticipated strike by teaching assistants, President McCormick confined his remarks to that topic. The strike is expected to begin on Monday, 4 December 2000. The University has been working with GSEAC but the Administration continues to believe that we need a legal framework for this relationship. Referring to a handout about the need for legislation he argued that there are three reasons for not recognizing the union: (a) no definition of bargainable subjects; (b) there is no way to resolve disputes other than strikes or litigation; and (c) the University believes that without a law, the union cannot be the exclusive agent of the TAs. Then, McCormick stated that he and the Administration had taken the Senate resolution on November 14th seriously and proceeded to describe the steps that have been taken. First, the University has overturned its historic opposition to enabling legislation and has begun active conversations with legislators, the Governor's office and with GSEAC/UAW. After introducing the administrative GSEAC team, he opined that they have made considerable progress in defining the kind of legislation that both parties could support, and that would serve the interests of both parties. Up until now, the Administration has been silent about these discussions. He has decided, however, that it is now appropriate to divulge more about those conversations. He said that the University is prepared to recognize GSEAC if they cancel the strike and work with the Administration on securing enabling legislation. The understanding is that once the legislation is passed, GSEAC would be recognized immediately and they would begin good faith bargaining. In this regard, he distributed a draft of the Memorandum of Understanding that has been proposed. At this point, GSEAC/UAW has declined this offer. He pointed out that the University is familiar with unions, and currently deals with 33 units, but that this is all within the context of existing law. If there is legislation, he concluded, the Administration will "cheerfully" bargain with the union.

Questions

1. Holzworth (Chair, Faculty Council on Faculty Affairs), asked whether this recognition means that the students are employees? McCormick said that they are both.
2. Sean O'Donnell (Psychology) asked about the University's perception of the climate in Olympia: would this be likely to go forward? Noting that Dick Thompson was unable to be here, he said that the University is working to lay the groundwork for legislative acceptance. Part of this will turn on their work with GSEAC and the other part is working with the legislative representatives. He said that it will not be easy, but noted that last year, working with CSEA, they were able to get needed legislation. He believes that if the parties will go together, the University will try.
3. Jim Gregory (Faculty, History): He commented that the legislative doubts are why GSEAC turned down this offer. Because it is all hinged on what the legislature will do, it is not what GSEAC wants. He pointed out that the use of the word "recognition" is not the traditional one. McCormick stated that this position comes from the University's belief that it must, legally, have the enabling legislation. Karen Kavanagh, Vice President, Human Resources pointed out that the advantage here is that GSEAC would not have to go through a PERC supervised election.
4. A Graduate Student asked if they would be able to bargain if this is signed. Kavanagh said that according to an Attorney General's opinion given in 1994 on this same issue, without enabling legislation, there is no duty to collectively bargain and that the University cannot recognize an exclusive bargaining agent. In effect, it could only recognize those students who are actually in the union. Without legislation, you cannot bind the minority to the majority will.
5. Christoph Giebel (International Studies) – Does that mean that those 84% could engage in bargaining? Kavanagh stated that they would not bargain until there is legislation.
6. David Bosworth (English) focused on one sentence in the document distributed by the president, which said we are optimistic about getting legislation. Bosworth pointed, however, to the statement of the House Legislative Representative at the special meeting that asked that the University forgo going to the legislature. McCormick said that there have been subsequent conversations with legislators, and that he didn't believe the words at the special meeting were the last words.
7. A faculty member in Comparative Literature asked about the paradox that the University is already talking to GSEAC but cannot bargain. What does this mean? Kavanagh explained that "recognition" has a special meaning in labor law. Here, it would mean that those 84% would not have to go through an election in order to start bargaining. Generally, an election is a legal requirement. Here, the University has decided that as soon as legislation is passed, they will bargain without a vote.
8. Duane Storti (Mechanical Engineering) criticized the proposed Memorandum of Understanding. He also asked whether this was a show of good faith for it to be dependent upon the passage of legislation. McCormick said there have been two acts of good faith, the first being turning our backs of 25 years of opposition to legislation. The second is agreeing to recognize the union without an election if the legislation should pass. Storti then asked for an explanation of the Eastern University situation in which there is a union. Weldon Ihrig, Executive Vice President, explained the contractual bargaining between the Regents and the Faculty as a "fluke" (exact quote from them) but that today, they would prefer to have enabling legislation. The Union is loosely affiliated with a national union but the bargaining is purely a local affair. At this point, Eastern's negotiations are day to day. Any time there is a disagreement, they either have to go to the courts or have day-to-day negotiations. They recommended enabling legislation as the only way to go.

9. Galya Diment (Faculty, Slavic Languages) opined that she thought the memo of understanding was a very confusing document. From what has been said, she thought that the University could recognize the union now. Kavanagh pointed out that without legislation, the University cannot assume anything nor can they bind anyone. There is no administrative agency to resolve disputes. There are a lot of unknowns without this legislation. So what, Diment asked, stops you from doing bargaining but allows you to talk about the legislation. She finds the contingency of legislation disingenuous, and suggested that the University would try to kill the legislation. At this point, Coney noted that this part of the meeting was for questions, not debate. Since there was a quorum, she called the meeting to order.

President McCormick said the University could not guarantee passage, but that the offer is genuine and not disingenuous.

Call to Order and Approval of the Agenda

Called to order at 3:08 p.m. Christoph Geibel (International Studies) moved to have item 14, new business, moved up. For lack of a second, the motion failed. The agenda was approved.

Summary of Executive Committee Actions

Coney noted that in addition to the items listed, the committee also reviewed Class A legislation on research faculty and the Class C resolution on Enabling Legislation.

Announcements

None

Requests for Information

None

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 Donald Dudley of Neurological Surgery, who died on October 22nd after having served the University since 1964.

Professor Emeritus B. Raymond Fink of Anesthesiology, who died on October 30th after having served the University since 1964.

Professor James Hooley of Oral Surgery, who died on October 23rd after having served the University since 1963.

Clinical Instructor Donetta Rice of School of Social Work, who died on October 30th after having served the University since 1975.

Associate Professor & Chair Bruce R. Rothwell of Restorative Dentistry and Oral & Maxillofacial Surgery, who died on November 14th after having served the University since 1973.

Professor Leon Slutsky of Chemistry, who died on October 31st after having served the University since 1961.

Be it further resolved, that the senate chair be directed to communicate to the immediate survivors the action taken, together with the condolences and sympathy of the faculty.

Nominations and Appointments

These are printed in attachment number nine to the agenda. Additionally, Vice Chair Holt made the following nominations from the floor:

Wesley Williams (Military Science, group V) as a member of the Faculty Council on Student Affairs, effective immediately, for a term ending September 15, 2001.

Kate O'Neil (Military Science, group V) as a member of the Faculty Council on Student Affairs, effective immediately, for a term ending September 15, 2002.

Shahram Vaezy (Bioengineering) as the Research Faculty representative on the Special Committee on Minority Faculty Affairs (with vote) effective immediately, for a term ending September 15, 2001.

Russell Herwig (Aquatic and Fishery Sciences) as the Research Faculty representative on the Faculty Council on Student Affairs (with vote) effective immediately, for a term ending September 15, 2001.

Heather Easterling as the GPSS representative on the Faculty Council on University Libraries (without vote), effective immediately, for a term ending September 15, 2001;

Summer Slater as the ASUW representative (without vote) on the Faculty Council on Academic Standards and the Faculty Council on Educational Outreach, effective immediately, for a term ending September 15, 2001.

Kendra Dupuy as the ASUW representative (without vote) on the Faculty Council on Educational Technology, the Faculty Council on Research, the Faculty Council on University Libraries, and the Special Committee on Faculty Women, effective immediately, for a term ending September 15, 2001.

Derek Bentsen as the ASUW representative (without vote) on the Faculty Council on Faculty Affairs, effective immediately, for a term ending September 15, 2001.

Tony Schultz as the ASUW representative (without vote) on the Faculty Council on Instructional Quality, effective immediately, for a term ending September 15, 2001.

Alex Bolton as the ASUW representative (without vote) on the Faculty Council on University Facilities and Services, effective immediately, for a term ending September 15, 2001.

No additional nominations were made from the floor, and the list was approved.

Statement from John Schuafelberger, Candidate, Vice Chair for 2001-2002

I want to thank the Senate Executive Committee for this opportunity to stand before you as a candidate for the Vice Chair of the Faculty Senate. You may ask who I am, why am I interested in the position, and what is my vision for the Senate.

I am a faculty member in the Department of Construction Management in the College of Architecture and Urban Planning. I have served in the Senate and on the Senate Executive Committee for the past four years as Chair of the Faculty Council on University Facilities and Services. A major focus of the Council during that time has been on improving the condition of our teaching environments, that is our classrooms. Some improvements have been made, and major work will start during winter quarter with renovation of the classrooms in Denny Hall and the Mechanical Engineering Building. During my tenure in the Senate, I have gained a deep appreciation for the role of this body and its leaders in providing a faculty perspective on issues facing the University and its administrative leaders. A university is a unique institution, and I believe the faculty has a significant responsibility for its governance. The faculty's role is clearly defined in the Faculty Code and the University Handbook. We can either allow decisions to be made without our input or we can actively participate in the development of University policies and procedures. The latter is the role of the Senate and its leadership.

My observation is that the Administration and the Board of Regents value faculty input. It is the responsibility of the Senate leadership to determine faculty perspectives on issues and ensure those perspectives are presented to decision-makers. This requires Senate leaders who can establish credibility with both the faculty and the administrative leaders. It is a task that I am committed to accomplishing.

As I look at the next two years, I see several issues that will involve significant faculty deliberation.

One is fully integrating the faculty at Bothell, Tacoma, and Seattle into a single collegial body. Each campus faces a different set of issues, but by working together, we can be mutually supporting and have a much stronger voice in University governance. The first step is the establishment of a collaborative body or council, an action that the Faculty Council on Faculty Affairs is currently deliberating, as will be discussed later on today's agenda. Once established, there are many tri-campus issues that the council needs to examine, discuss, and propose solutions. Senate action may be needed to revise procedures to accommodate the needs of our colleagues at Bothell and Tacoma.

Next are the many issues associated with providing increased access to higher education and the public's need for increased continuing education opportunities. Accommodating non-traditional students and expanded use of distance learning may lead to alternative educational paradigms. Technology has changed the way we teach, conduct research, and communicate with each other. We as faculty must understand these changes and the challenges presented, and structure policies and procedures to accommodate them while maintaining the academic excellence of the University. I see a significant role for the Senate and its leaders in dealing with this complex set of issues. I envision creating a campus-wide dialogue among faculty, students, and administrators, as together we plan our future.

Limited resources will continue to plague us. The Senate leadership must be willing to speak persuasively of the need to provide additional resources for higher education. Our ability to maintain the quality of our University is in peril if we do not attract and retain outstanding

faculty members. By working together, the faculty and the Administration must strive to persuade the citizens of this State and the Legislature of the need to provide greater support to this University.

If I am privileged to join the Senate leadership, I will strive to tap the collegial energy and commitment of the Administration to find ways to press our positions forcefully and persuasively. I will seek out voices from across campus and our wider community to hear other perspectives and find possible solutions. I will try to find consensus when possible, but am willing to make judgments when appropriate.

Fortunately, we have talented, dedicated faculty members and administrators, all of whom want this to be the best possible place for students to learn, faculty to teach, and faculty and students to develop new knowledge together. This can occur only when there is strong faculty involvement in the governance of the University. That is the role of this body and its elected leaders. I can think of no better cause within the University to put my effort into, and that is why I seek the position of Vice Chair of the Faculty Senate.

Class C Resolution on Public Sector Collective Bargaining Enabling Legislation for Faculty in Higher Education (Faculty Council on Faculty Affairs)

Bradley Holt, Senate Vice Chair, moved the introduction of this resolution on behalf of the Senate Executive Committee. Mary Coney, Senate Chair, reminded the body that Class C is not binding in the same way as is Class A or B legislation. This resolution was presented at the last regular meeting for discussion, and since then, has been officially adopted by the SEC. Prof. Gastil (Speech Communication) asked about the rough edges in this legislation. Bob Holzworth sketched the yearlong history of this resolution, springing from the Senate's discomfort with last year's enabling legislation. FCFA spoke to numerous groups and people from all over campus. The group looked at a laundry list of legal requirements and boiled it down to essential items. Holzworth pointed out that it is too late for us to act if a bill has already been introduced, and thus the FCFA was given the task of having something ready before the next legislative session.

Holzworth then explained the four discrete parts of the resolution. The first provides that the faculty are one unit, so, for example, a unit such as the medical school cannot split off from the rest of the faculty. Second, the resolution seeks to preserve shared governance and describes some items as non-negotiable. For example, we would not want to throw out the handbook. The third part addresses dispute resolution principles, although he acknowledged that this provision is a little confusing. It was a way of saying that we do not want the legislature imposing certain types of dispute resolution. The fourth provision addresses strikes and lockouts, and acknowledges that no state employees are allowed to strike.

Questions

1. Ed Burns (Speech and Hearing): He asked, "Why have legislation if you can't strike? A union would be absolutely useless." Holzworth said that there is a lot more to this than striking, and said that organizing would be enough of a threat. Vaughn (Secretary of the Faculty) explained the reasoning behind the no strike clause, and the reality that public sector employees are not allowed to strike. This is different from the private sector, which is regulated by the National Labor Relations Act. She also explained the difference between grievance and interest arbitration.

2. Guntheroth (Pediatrics) stated that he thought that the first part of the resolution mandating one unit was a poison pill, and that it would mean that we would never unionize since it is well known that medical and professional schools vote against unions. Also, he described a unit of neurosurgeons and historians as unreasonable, given the differences in the economic circumstances and their interests. Guntheroth noted the code provisions for groups and legislative groups smaller than the entire faculty. He noted that most states provide for smaller bargaining units than the entire faculty and urged silence on the issue of bargaining units.
3. O'Donnell (Psychology) focused on provision number four. While it may be a reflection of political reality, he felt that unions need the right to strike. First, the reasons that some kind of public employees are not permitted to strike is their importance to public safety. Faculty, he noted, are not in that category. Second, he pointed out that teachers regularly go out on strikes despite the illegality of strikes. Thus, he feels that asking for the right to strike is worth considering, and while it should be a last resort, we should not give up that right.
4. John Madison (Public Affairs): His faculty felt it was unfeasible for the entire faculty to come to an agreement unless there was some form of representation arrangement for the unit and sought the rationale for the first provision. Holzworth pointed out that last year, the "entire" faculty was able to secure a salary policy that applied to all faculty regardless of the department. This, he felt, argues against the idea that this body or a union cannot represent all interests. Similarly, he noted that the SCPB is currently working on a policy for unit adjustments and addressing inequalities across departments. A single unit would be more powerful, he argued. He also felt that this made it more likely that it would pass in Olympia. McCormick has stated that he might support enabling legislation if it is in the proper form, and believes that this solution could garner that support. Holzworth concluded that we would be weakened if we broke into smaller units.

Guntheroth moved that the first provision, regarding the bargaining unit, be eliminated for reasons that have already been discussed. Holt observed that this faculty, as a whole, asked for a union about 25 years ago, and then observed that the Medical School at Minnesota has been a leading force for unionization. Holt then asked, are we one faculty or not? He reminded Senators about the budget statement that was submitted by the University last year. He suggested that this would make the statement less costly because last year's statement was based on multiple units with multiple elections. Olswang said that the six-year statement was \$2.3 million and was premised on the legislation's failure to control for multiple units, and that a campus wide unit would reduce the cost. The motion failed.

Giebel moved that the language "A bargaining unit shall not be greater than the voting faculty of the University of Washington" be substituted for the current provision. He explained that if we speak for the faculty, then this would inhibit a faculty and TA unit but might also permit smaller groups. Holzworth asked members to consider the idea that like-minded unions could combine in some way. He could not see why we would want to do that. Doug Wadden (Chair, Faculty Council on Academic Standards) asked for clarification of Holzworth's comments. Holzworth replied that we might want a wider group, with say, the librarians, but this resolution is addressed to the faculty only and not to what others might want to do. Holt opposed the motion since it just puts a cap on the unit. After the question was called, the motion failed.

Martin Savage (Physics) moved to strike provision number four. Holzworth noted that when this was originally proposed, it said that if the legislation said "if there is no strike" then it should also say, "there is no lockout." It seemed more likely to pass given the political

realities of public sector legislation in this state. He said if it is removed, then we need to provide for no lockouts. So he urged a vote against it. On vote, the motion failed by a very large margin.

Thaddeus Spratlen (Business School) suggested that there should be a mechanism for resolving irreconcilable differences in bargaining. Holzworth disagreed, saying that since we are not protective services, there is not a compelling need to move swiftly in negotiations and that we could still elect to do it, we just did not want the legislature to order it. Madison (Public Affairs) stated that the language about preserving final decision making authority still appeared to be confusing.

At the end of debate, the Resolution was approved as written by an overwhelming margin.

Class A Legislation on Voting Rights for Research Faculty – First Consideration. Volume Two, Part II, Chapter 32, Sections 32 & 43 and Chapter 24, Sections 34 & 53

Coney explained the status of the legislation and the understanding of the SEC as it proceeded to seek language consistent with the Senate's will. Vaughn drafted the language initially and the SEC reviewed, amended and approved the final version. Holzworth reviewed the six reasons for this legislation that were introduced in the past. For example, about 10% of the faculty are research faculty and about 50% of them teach classes. Given the new emphasis on undergraduate research, the research faculty voice is even more important. Also, for many years now, these positions have required national searches. Also adding back assistant professors caused this to conform to FCFA's original proposal. The FCFA, however, was against prohibiting research faculty from voting on tenure and promotion matters. Beth Kerr (Psychology) asked for clarification of the policy that lets departments decide that research faculty can vote on tenure and promotion matters. Olswang said that departments can, under the code, allow research faculty to vote pursuant to departmental policies. On promotion matters, the research faculty votes are advisory, and they cannot vote on Class A or B legislation. Kerr said that departments could take this step if they want to. She said that in her department, this is the only way for faculty in her department to submit grants and that 10 people they appointed without expecting them to vote would now be voting. Similarly, she noted that these people did not expect to perform service and felt it should be left to individual departments. Ellie Adman (Research Faculty rep to FCFA) acknowledged the fears in some departments, but she said that her survey of research faculty said that these people would feel more a part of the University if they were given voting rights. Given the career goals of research faculty, they are here for the long run and that they should not be disenfranchised. Howard Chisek (Elec. Eng) asked how should the votes of research faculty enter into tenure matters and hiring matters. Holzworth said that research faculty could not vote on promotion and tenure for regular faculty and WOT faculty. On votes for new hires, would research faculty vote? Holzworth answered yes.

Wes Van Voorhis (Medicine) commented that he works with a large number of research faculty, and that giving them the vote will aid in retention of these faculty members who currently feel like second class citizens and voiced his support for the resolution. Another senator said he is not sure about this legislation, and wondered if this swings the pendulum at the University too much towards research as opposed to teaching. And, he wondered, would enfranchising these people orient us more towards external sources of funding. Holzworth pointed out that voting faculty currently includes instructors whose duties are primarily teaching, and not research so that this would effect a balance. Also, research

faculty are being called upon to do more teaching. Question called, and the legislation easily passed.

Coney stated that it will be back in January for a second reading.

Discussion of Tri-Campus Issues

Holzworth provided background on this legislation, noting that FCFA has been at work on this for over a year. Because most of the work of the Senate occurs in Councils, the Bothell and Tacoma campuses are disadvantaged in that we give them only proportional voting. To correct this, the legislation does four things:

- Provides for proportional voting rights for all UW faculty
- Gives Bothell and Tacoma faculty leaders each a vote on SEC
- Creates a new Faculty Council on Tri-Campus Policy
- Provides for special Class B legislation reconsideration if 2/3 UWB or UWT oppose it.

It is the belief of FCFA that this will give Bothell and Tacoma the recognition that they deserve. Rob Crawford (Tacoma) said that this legislation has the full support of the faculties at both Bothell and Tacoma. Both campuses are developing very rapidly. Tacoma has about 1700 students on campus and grows at a rate of 16% a year, and they add new degree programs every year. They may grow to about 10,000 by the year 2010 and these realities call for a new response to those campuses. This has been the work of two years of negotiation and collaboration, and he is enthusiastic about this legislation.

New Business

Ken Lang, spokesperson for GSEAC, responded to the President's remarks. He characterized the University's offer as nothing more than good public relations and that it is not what GSEAC wants, which is recognition in the traditional sense that would mean they would begin to bargain immediately. He reviewed again the numbers of students that support recognition now, not later. He feels the law does not preclude recognition now, and that the Administration is only serving its own interests while increasing agitation among the TAs. GSEAC questions whether there are risks to immediate recognition. The University's proposal, on the other hand, asks GSEAC to put all of their eggs in a basket that cannot be controlled. GSEAC proposes that the parties bargain now and that they concurrently and jointly seek legislation. They would voluntarily submit to PERC's jurisdiction. He asked for continued support from the Faculty.

Storti (Mech. Eng.) asked several questions about faculty involvement in the strike, and what consequences faculty might face for their involvement. McCormick replied that because the Administration does not know exactly what the union will do, it would be premature and inflammatory to detail consequences at this point. Steps have been taken to ameliorate the effects of late grades, and he reaffirmed the commitment to issuing student's grades as promptly as possible. Storti asked if he would intervene where Deans are listing consequences but McCormick declined to add to his comments.

Silberstein (English) asked two questions. First, she wanted to understand the positions, and noted that it is gratifying to hear the University's change in position and asked if it is just a difference in when bargaining could take place. What she cannot understand is that if PERC is willing to oversee the process, and GSEAC offers assurances about the scope of bargaining, why not bargain. Kavanagh pointed out that while PERC has some powers in voluntary circumstances, it cannot bind the parties. She gave the example of bargaining in which PERC could not compel parties to stay at the table nor could they issue findings of unfair labor practices. Thus, PERC cannot address the essentials of collective bargaining. Gregory (History) opined that there seems to be a catch-22 here, i.e., that there could be a strike if we do not bargain but that is what we are facing now anyway. Given this, the faculty do not understand why we have to endure the turmoil. If you are going to bargain down the road anyway, why not now? Kavanagh said that without legislation, you will have a continual strike mentality. She hopes that if we jointly go to Olympia, it will be successful because otherwise it will be stopgap or a band-aid for what has to be a long-term relationship. She believes that the University's proposal is the best first step. Diment asked how long would it be, best guess, before the legislation passes. Kavanagh said she hoped it would be completed in this session. In response to a further question about the volume of legislation, Kavanagh pointed out that the joint union/management legislation sought last year did pass. Lang (GSEAC) said that there is no direct correlation between strikes and enabling legislation. GSEAC believes, legally, that PERC does have jurisdiction. Another faculty member asked whether one of the existing unions on campus could represent the interests of the TAs. Kavanagh said that this is not possible under current legislation and contracts.

The meeting adjourned at 4:48 p.m.

SUBMITTED BY: Lea B. Vaughn, Secretary of the Faculty
APPROVED BY: Mary B. Coney, Chair, Faculty Senate