

University of Washington
Faculty Council on Faculty Affairs
March 9, 2021
11:00 a.m. – 12:30 p.m.
Zoom

Meeting Synopsis

1. Call to order
 2. Announcements
 3. Review of the minutes from February 23, 2021
 4. Housekeeping and temporary changes (attachment to come)
 5. New business: consideration of voting rights for faculty on sabbatical leave
 6. Good of the order
 7. Adjourn
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1. Call to order

The meeting was called to order 11:01 a.m.

2. Announcements

Chair Lee noted the ADR grievance legislation would not be considered for a faculty vote this academic year and another version of the legislation could be reviewed Fall 2021.

The chair also mentioned that the FCFA lecturer survey data gathering project and college/department survey were in the revision phase.

3. Review of the minutes from February 23, 2021

The minutes from February 23, 2021 were approved as written.

4. Housekeeping and temporary changes (attachment to come)

Chair Lee shared a draft of the FC Chapter 29 proposed changes (Exhibit 1). Council members discussed the intent of the suggested housekeeping processes and asked for clarification on specific language.

Members voted to approve specific amendments and tabled amendments which were deemed needing additional discussion.

Chair Lee proposed the draft as Class A legislation with suggested changes and submit to the SEC. The council voted to approve.

5. New business: consideration of voting rights for faculty on sabbatical leave

Chair Lee updated the council regarding faculty on leave who are not considered voting members. A majority of members indicated their interest in pursuing voting rights for faculty on all types of leave but would prefer to consider this item in the Spring.

6. Good of the order

Nothing was stated.

7. Adjourn

The meeting was adjourned at 12:32 p.m.

Minutes by Alexandra Portillo, xanport@uw.edu, council analyst

Present: **Faculty Code Section 21-61 A:** Megan Callow, Gregory Lund, Jack Lee (chair), Jacob Vigdor, Teresa Ward, Mary Pat Wenderoth, Karam Dana, James Gregory
Faculty Code Section 21-61 B: Cass Hartnett, Frances Chu, Miceal Vaughan
President's designee: Cheryl Cameron
Guests: Mike Townsend, Dan Jacoby

Absent: **Faculty Code Section 21-61 A:** Aaron Katz

Exhibits

Exhibit 1 – Class A - Housekeeping and Temporary Amendments

Proposed Amendment to the Faculty Code: Housekeeping and Temporary Amendments

On March 9, 2021, the Faculty Council on Faculty Affairs approved the following proposed Class A legislation for submission to the Faculty Senate.

Background and Rationale

The online version of the Faculty Code contains an "Introduction," which includes the following language:

The University Policy & Rules Office publishes simple housekeeping amendments to the Faculty Code and Governance that correct typographical errors; make address, name, or contact information changes; or clarify language without changing its effect. All housekeeping amendments to the Faculty Code and Governance are first reviewed and approved by the Secretary of the Faculty.

This language is not part of the Faculty Code, and has never been formally approved by the Faculty Senate or the faculty as a whole; but it has been used to justify a number of permanent changes to the Faculty Code without going through the Senate's usual Class A legislative process. Most of these changes have been merely clerical, but some such changes were more substantive and did not really deserve to be called "housekeeping." In at least one such case, significant and consequential changes were made to the code with no faculty oversight other than the consent of the Secretary of the Faculty, and an adjudication later ruled that the changes had been inappropriate and must be reversed.

The purpose of the present legislation is to remedy this situation and prevent such occurrences in the future.

What We Propose to Do

This proposed amendment to the faculty code will make the following additions to Chapter 29, which describes the process for amending the Faculty Code:

1. Establish two classes of faculty code changes that can be enacted with an expedited process: "housekeeping changes" and "temporary amendments," with strict limits on what qualifies for either type of treatment. Both classes of changes require approval by the SEC, at least.
2. "Housekeeping changes" are permanent changes, proposed by the secretary of the faculty and approved by the SEC, for the limited purposes of correcting inaccurately transcribed text of the Faculty Code or updating names of officials or addresses.
3. "Temporary amendments" are more substantive changes that need to be enacted quickly, only for the limited purposes of meeting a deadline to comply with laws or regulations, or addressing a state of emergency declared by the governor. They can be enacted by the SEC in order to respond quickly to emergent needs, but then they are strictly time-limited, and require a vote of the full senate in order to continue in effect or to be extended. The senate may not extend a temporary amendment for more than 6 months in any one action, but further extensions are allowed in order to respond to unforeseen changes in the legal situation.
4. Anything that does not fall into one of these two categories must go through the usual Class A process for amending the code.

In addition, there are a few small clarifications to the existing code language, explained in the comment boxes below.

There was an additional category of changes described as "housekeeping" in the Faculty Code Introduction, namely to "clarify language without changing its effect." In FCFA's judgment, any such change is likely to engender controversy over whether the new language changes the effect of the code or not, and thus should go through the usual Class A legislative process. In any case, the SEC is already empowered to interpret sections of the Faculty Code that are not currently the subject of an adjudication. Changes meant to clarify language will no longer be allowed as "housekeeping changes."

The Proposed Class A Legislation

Be it resolved by the Faculty Senate to submit to the faculty for approval or rejection that Chapter 29 of the Faculty Code be amended to read as shown below. (The paragraphs appearing in boxes are just clarifying comments, and are not part of the proposed amendments.)

Chapter 29: Amendment of the Faculty Code

Section 29-31 Provisions Subject to Amendment

A. Provisions of the *Faculty Code* may be amended as provided in this chapter.

The change from "21 through 28" to "21 through 29" below is just a correction of a transcription error. Research into the Senate archives has revealed that when this section of the code was enacted, it actually read "21 through 29," but somehow when it was transferred to the web-based version, it was incorrectly transcribed. Clearly Section 29 (this section) needs to be amendable also.

The change from "-31 through -99" to "-31 and higher" reflects the fact that as the code has become more complex, it has become necessary to add section numbers higher than 99 in some chapters.

B. Subsection A of this section applies to all regularly enacted sections in Chapters 21 through 29 28 of this edition of the *Faculty Code*. Such sections are those properly numbered -31 and higher~~through~~ 99, as specified in the Introduction to the *Faculty Code and Governance*.

Section 29-34 Executive Committee and Senate Consideration of Amendments

- A.** After a proposal for amendment of the *Faculty Code* has been referred to it by the Senate, the Executive Committee at its next meeting:
 - 1.** Shall consider any statement of the President concerning the proposal;
 - 2.** Shall consider suggestions of the Advisory Committee on Faculty Code and Regulations;
 - 3.** May make such changes in the form and substance of the proposal as it deems necessary:
 - a.** To make the proposal conform with the organization and style of the *Faculty Code*, and
 - b.** To avoid conflict with statutes, resolutions of the Regents, and executive orders, or with other provisions of the *Faculty Code*, and
 - c.** To avoid disapproval of the proposal by the President.
- B.** The Executive Committee may submit to the Senate either:
 - 1.** The proposal for amendment in the form in which the committee received it, or
 - 2.** Both:
 - a.** The proposal in the form in which the committee received it, and
 - b.** An alternate proposal embodying changes authorized by Subsection A.3 of this section.
- C.** The Executive Committee shall place the proposal or proposals for amendment on the agenda either of a special Senate meeting or of the next regular Senate meeting.
- D.** If the Executive Committee submits an alternate proposal under the provisions of Subsection B.2 of this section, the first question before the Senate shall be whether it approves or disapproves submission to the faculty of the alternate proposal. If the

The change in the next paragraph is meant to clarify the code's intent and make it consistent with current practice: if the SEC's alternate proposal is rejected, then the senate's only option is an up-or-down vote on the original proposal. This should make it clear that "considering" the original proposal does not include amending it.

Senate rejects the alternate proposal, it shall then ~~consider approve or disapprove~~ the proposal originally referred by it to the Executive Committee.

Section 29-39 Housekeeping Changes to the Faculty Code

- A.** A housekeeping change is a permanent modification of the Faculty Code for one of the following purposes:
 - 1. To correct inaccurately transcribed text of the Faculty Code, including amendments, or
 - 2. To update names of officials or addresses.
- B.** Housekeeping changes may be proposed by the Secretary of the Faculty, and are subject to approval by a majority vote of the Senate Executive Committee. They become effective immediately upon such approval.

Section 29-40 Temporary Amendments to the Faculty Code

- A.** A temporary amendment is a time-limited modification of the Faculty Code for one of the following purposes:
 - 1. To meet a deadline to comply with federal, state, or local laws or regulations, or
 - 2. To address a state of emergency declared by the governor.
- B.** Temporary amendments may be proposed by the Chair of the Senate or by the President, and are subject to approval by a majority vote of the Senate Executive Committee. They become effective immediately upon such approval.
- C.** Every temporary amendment must have an explicit expiration date. Ordinarily, the expiration date will be 60 days after the second senate meeting following the Executive Committee's action. When a temporary amendment is enacted, the Executive Committee may set an earlier expiration date.
- D.** At the first Senate meeting following the Executive Committee's approval of a temporary amendment, the Senate must take one of the following actions on the amendment by majority vote:
 - 1. Affirm the temporary amendment with the original expiration date;

2. Repeal the temporary amendment; or
 3. Modify the expiration date to a date no more than 180 days after the meeting.
- E.** At any subsequent meeting of the Senate while the temporary amendment is still in effect, the Senate may, by majority vote, repeal the temporary amendment or further modify its expiration date to a time no more than 180 days after the meeting.
- f.** To enact any other modification of a temporary amendment, move the expiration date beyond the limits specified in Subsections D and E above, or convert a temporary amendment to a permanent amendment, the procedures outlined in sections 29-32 through 29-38 must be followed.